# LANCASTER COUNTY
# BOARD OF ZONING APPEALS

**June 09, 2015**
**6:30 PM**
**ADMINISTRATIVE BUILDING**
**ROOM 224**

| | | | |
|---|---|---|---|
| Type of meeting: | Board Of Zoning Appeals/Public Hearing | Facilitator: | Planning Staff |
| Secretary: | Judy Barrineau | | |

| | |
|---|---|
| Please read: | Agenda Packet |
| Please bring: | Agenda Packet |

| | | |
|---|---|---|
| **Approve Agenda** | **Chairman** | |
| **Communications:** | | |
| **Approve minutes – March 2015** | **Chairman** | |
| **Variance application of David & Sandra Benson. The applicant is requesting a variance from Ordinance No. 631, Section 11.3, relating to the Sun City Carolina Lakes Planned Development District, PDD-18, for a variance regarding the setback requirements. BZA 015-003 pgs. 1-18**<br>**Tax Map 19B, Block C, Parcel 21** | **Nick Cauthen** | |
| **Variance application of Brent & Kim Whitlock. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements. BZA 015-004 pgs. 19-45**<br>**Tax Map 81N, Block A, Parcel 9** | **Elaine Boone** | |
| **Variance application of Mr. Robert Whitaker. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements. BZA 015-005 pgs. 46-61**<br>**Tax Map 35, Parcel 17.01** | **Nick Cauthen** | |
| **New Business:** | | |
| **Old Business:** | | |

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

# BOARD OF ZONING APPEALS - STATEMENT OF MATTER

## I. Facts

A. General Information

*Proposal:* This is a variance application of Mr. David and Sandra Benson. The applicant is requesting a variance from Ordinance No. 631, Section 11.3, relating to the Sun City Carolina Lakes Planned Development District, PDD-18, for a variance regarding the setback requirements.

*Location:* 2005 Wheatfield Court, Indian Land, S.C.

*Legal Description:* Tax Map 19B, Block C, Parcel 21

*Zoning Classification:* PDD-18, Sun City Carolina Lakes

*Description of Plan:* The applicant wants to be able to construct a 12' x 16' screened sunroom that will be attached to the rear of the home. The proposed sunroom would extend 10 ft. 8 in. over the setback therefore the applicant is requesting a variance from Ordinance 631. The applicant believes the current 20 ft. rear yard setback severely restricts options to utilize their property and build upon.

B. Site Information

*Site Description:* The property is located in the Sun City Carolina Lakes development on Wheatfield Court in a cul-de-sac. The applicant's home has neighbors on each side and backs up to a large common area.

C. Vicinity Data

*Surrounding Conditions:* All surrounding properties are residential and zoned PDD-18, Sun City Carolina Lakes.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Proposed Survey
5. Sun City Carolina Lakes Information
6. Sunroom Proposal
7. Ordinance 631, Section 11.3
8. Photo of Area
9. Findings Required for Granting Variances
10. Findings Required for Granting Variances – Planning

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

## II. Findings

Code Considerations: Ordinance No. 631, Section 11.3

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I agree that the facts and findings as stated above are true and correct.

Applicant signature(s) Date

# LANCASTER COUNTY BOARD OF ZONING APPEALS
# APPLICATION FORM #1

## GENERAL INFORMATION

Date Filed: 5-4-15 Application No: BZA-015-003

This form must be completed on a hearing on ***appeal from action*** of the Zoning Official, application for a ***variance,*** or application for a ***special exception.*** Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

**THE APPLICANT HEREBY APPEALS (indicate one):**

( ) From action of Zoning Officials as stated on Form 2

(X) For a variance as stated on Form 3

( ) For a special exception as stated on Form 4

Applicant(s) Print:

Name: SANDRA & DAVID BENSON Address: 2005 WHEATFIELD CT.

Telephone: 803·802·0514 Work: _____

Interest: _____ Owner(s): _____

Other: _____

Owner(s) If other than applicant: SAME AS ABOVE

Address: _____ Telephone: _____

Work: _____ Other Information: _____

## PROPERTY INFORMATION

Property address: 2005 WHEATFIELD CT.

Lot Area/Acres: 22 Block: U Subdivision: SUN CITY CAROLINA LAKES

Tax Map #: 00193-0C-021.00 Plat Book: 2014 Page: 491

Lot Size or Dimension: Rear: 88.6' Left: 120.1' Front: Rt: 107' Zoning Classification: PDD

Use of Surrounding Properties: Residential sides & Front

Duke Right of Way in Rear

**Designation Agent (complete only if owner is not applicant)**

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: _____ _____

_____

Owner(s) Signature(s)

**I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.**

**I (we) certify that the information in this application and all other forms are true to content.**

Date: May 15, 2015 Applicant Signature(s) _____

## LANCASTER COUNTY BOARD OF ZONING APPEALS

## VARIANCE APPLICATION – FORM #3

**Date Filed:** 5-4-15 **Application No.** BZA-015-003

1. **Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance:** Ord. 631 Sect. 11.3 Sun City POD **so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:** SCREENHOUSE BUILT ON REAR OF PROPERTY

**for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.**

**(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:**

a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:** THE SETBACK ON OUR PROPERTY BASICALLY STARTS AT THE END OF OUR HOUSE, THEREBY ELIMINATING ANY AREA FOR US TO BUILD UPON.

b) **These conditions do not generally apply to other property in the vicinity as shown by:** ADJACENT PROPERTIES HAVE LONGER BACKYARD

c) **Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows:** SETBACK ISSUE

d) **The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons:** _____

THERE IS NO HOUSES BEHIND US. WE ARE NOT IMPEDING ON ANYONE ELSE'S PROPERTY. BOTH OF OUR SIDE NEIGHBORS ARE OK W/ IT.

**The following documents are hereby submitted in support of this application:** _____

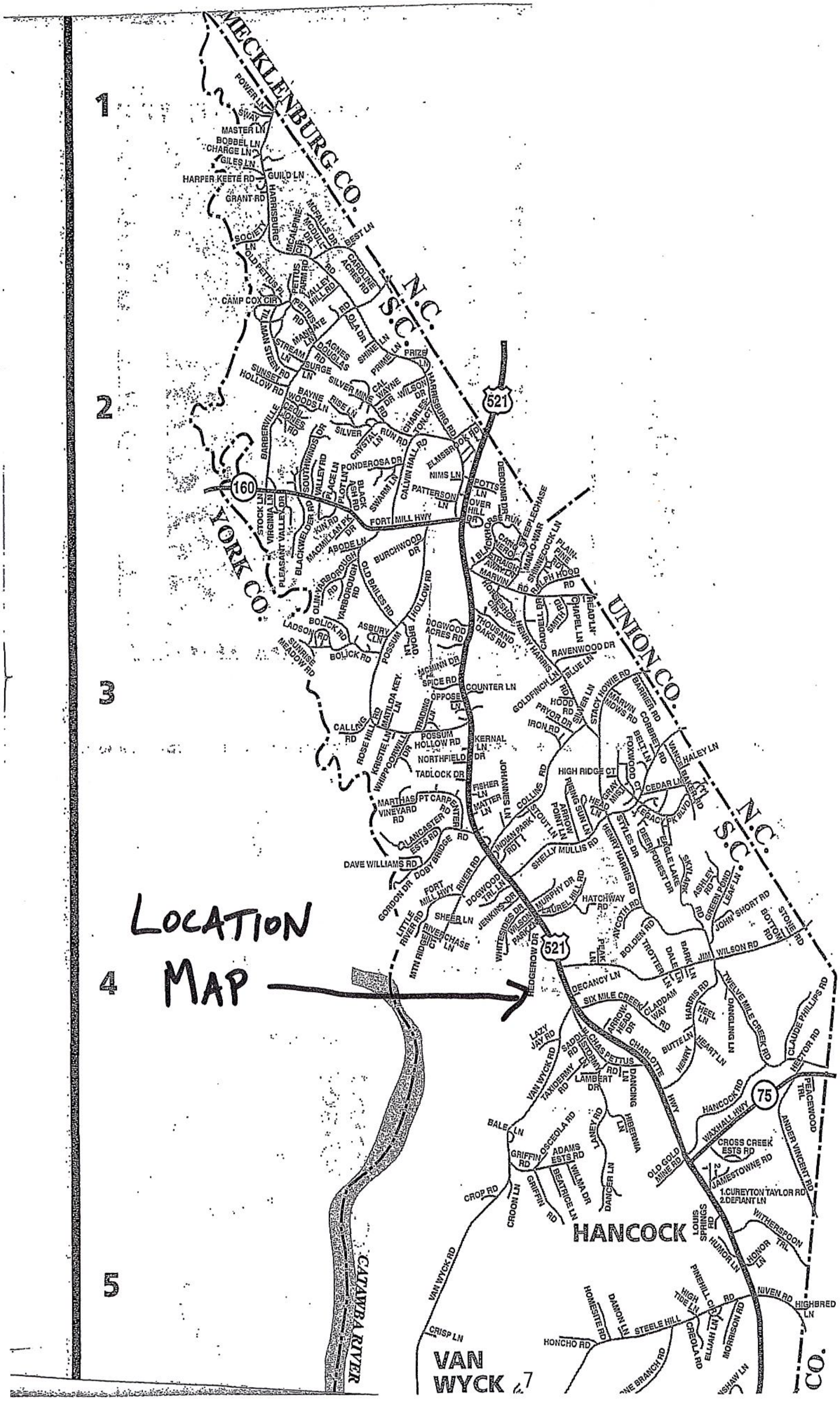
(1) SURVEY SHOWING WHERE SUNROOM/SCREENHOUSE WILL BE BUILT (2) PROPOSAL FOR SUNROOM (3) APPLICATION SUBMITTED TO HOA (4) PICTURES OF AREA IN BACK OF HOUSE

**Date:** _____ Sandra D. Benson

**Applicant signature(s)**

(5) HOA RESPONSE LETTER STATING THAT THEY WON'T APPROVE UNLESS WE RECEIVE A VARIANCE FROM THE COUNTY. (PLEASE SEE ATTACHED LETTER)

* I, SANDRA BENSON WAS HOSPITALIZED LAST SUMMER DUE TO A BEE STING. AS SUCH, I AM VERY UNCOMFORTABLE BEING OUTDOORS UNLESS I AM IN A PROTECTIVE ENVIRONMENT, SUCH AS A SCREENED IN PORCH. SB



LOCATION
MAP
MECKLENBURG CO.
N.C.
S.C.
UNION CO.
YORK CO.
HANCOCK
VAN WYCK
CATAWBA RIVER
521
160
75
1
2
3
4
5

AssessPro 4.6.18/4618 - Lancaster2015 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

Act

**Parcel ID: 0019B-0C-021.00** Card: 1/1

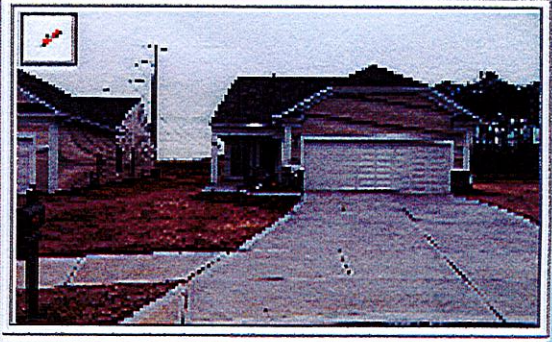
Account: 91789 District: 01 - County

Sticker #:

Location: 2005 WHEATFIELD CT Indian Land

Land Use: QR - QualRes Neigh: 50 - 50

Owner #1: BENSON, SANDRA D Own Type:



| Market Adj Value | Current | Year 2014 |
|---|---|---|
| Calc. Land Area: | 1.000 | 1.000 |
| Full Market Value: | 243,400 | 50,000 |
| Building Value: | 193,400 | |
| Yard Items: | | |
| Land Value: | 50,000 | 50,000 |
| Total Value: | 243,400 | 50,000 |
| Assessed Value: | 9,736 | 3,000 |
| Capped Total: | 243,400 | 50,000 |

Reval / Market 01

**Legal Description**

No Map Available

**Sales Information**

Grantor: PULTE HOME CORPORATION,

Sale Price: 246,439 Validity: 1C

Sale Date: 8/5/2014 Sold Vacant: No

Legal Ref: 813-193

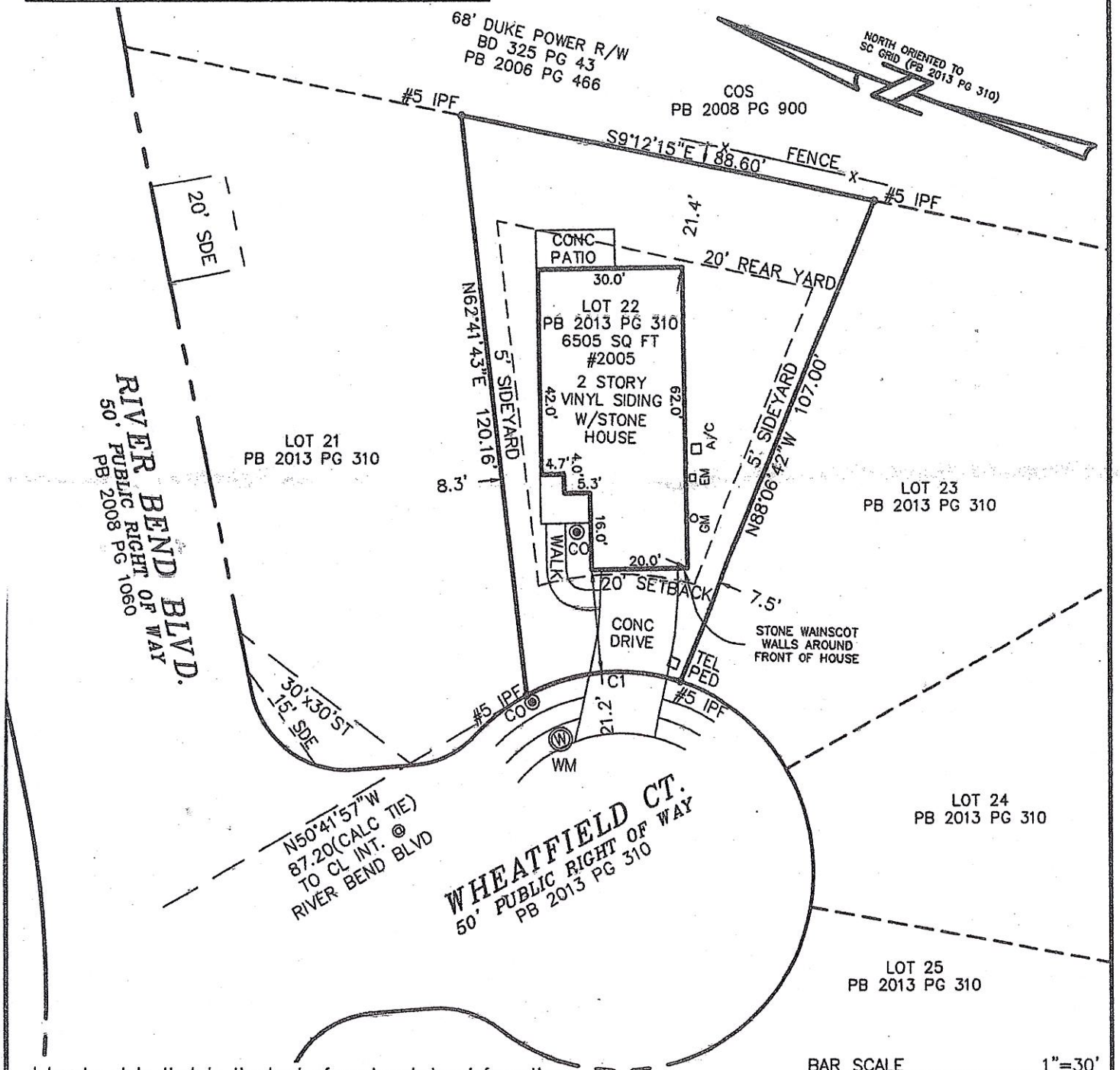
**Narrative Description**

This parcel contains 0 of land mainly classified as QualRes with a Sing Fam Dw Building built about 2014, having primarily Alum\Vinyl Exterior and 1494 Square Feet, with 0 Unit, 3 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

☐ Office Notes ☐ Notes

Open | 5/19/2015 | 1:40 PM | 91789 | QuickList

| Curve # | Radius | Length | Bearing | Chord |
|---|---|---|---|---|
| C1 | 41.00 | 32.92 | N 25°55'40" W | 32.04 |




I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class "B" survey as specified therein; also there are no visible encroachments or projections other than those shown.

BAR SCALE 1"=30'

0 15 30 60

7-21-2014

STUART C. BARWICK, S.C.P.L.S.
No – 27729

SOUTH CAROLINA
ESP ASSOCIATES, P.A.
NO. C01144
CERTIFICATE OF AUTHORIZATION

| No. | Date | By | Revision |
|---|---|---|---|

ESP

ESP Associates, P.A.
P.O. Box 7030 Charlotte, NC 28241
3475 Lakemont Blvd. Fort Mill, SC 29708
704-583-4949 (NC)
803-802-2440 (SC)
www.espassociates.com

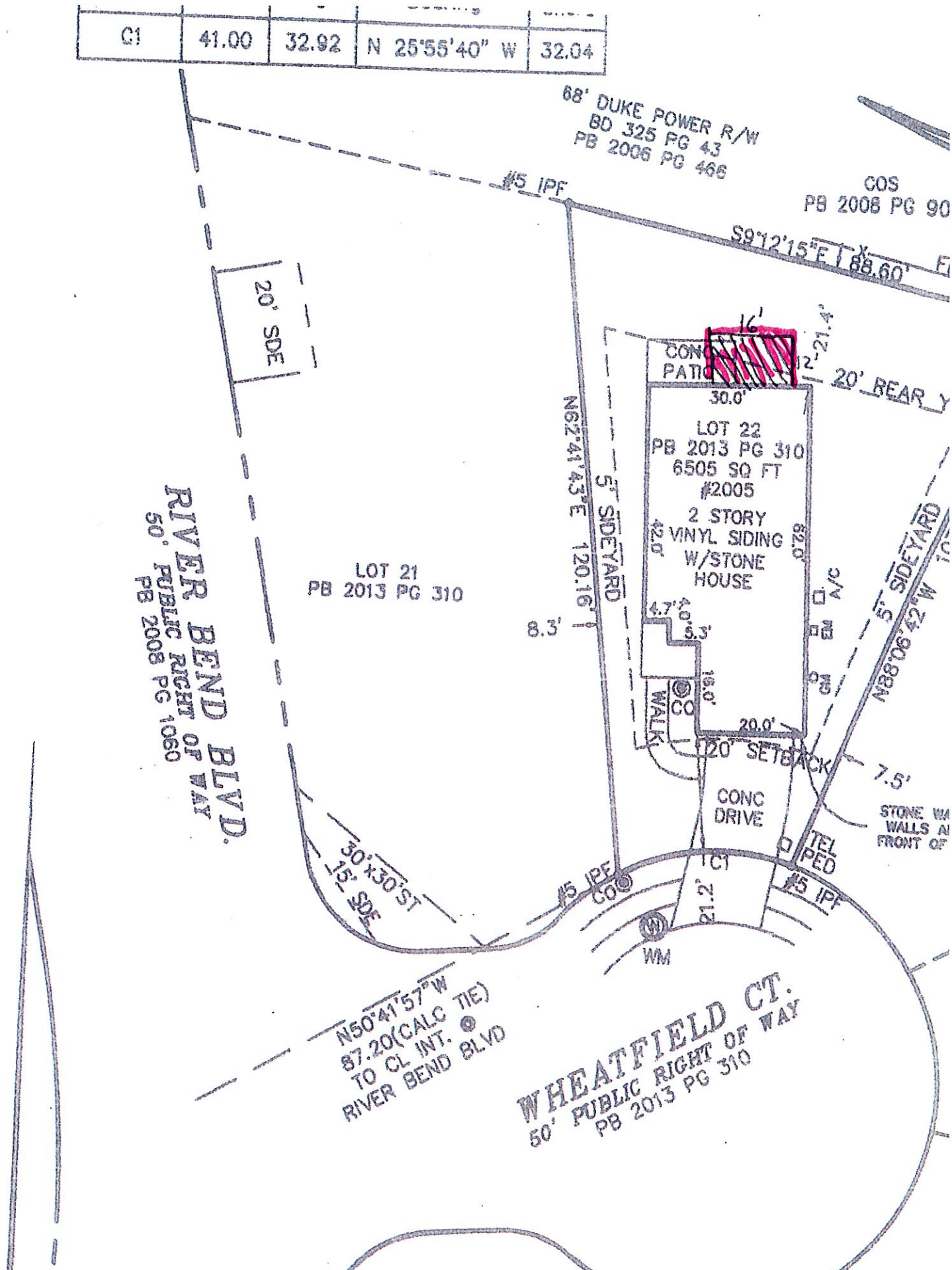
PHYSICAL SURVEY OF
LOT 22 NEIGHBORHOOD "U" MAP 2
SUN CITY CAROLINA LAKES MAP 45

DAVID M. & SANDRA D. BENSON
INDIAN LAND TOWNSHIP
LANCASTER CO., SOUTH CAROLINA

Scale: 1"=30'
Date: 7-21-14
Drawing No.: TL10-022
Job No.: TL10.80U.022

| Project No. | Designed By | Drawn By | Project-Mngr. | Checked By | Sheet | Of |
|---|---|---|---|---|---|---|
| TL10 | | WSH | DAW | SCB | 1 | 1 |

| | | | | |
|---|---|---|---|---|
| C1 | 41.00 | 32.92 | N 25°55'40" W | 32.04 |




I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or

# SUN CITY CAROLINA LAKES COMMUNITY ASSOCIATION
## ARCHITECITURAL REVIEW REQUEST

Name: David & Sandra Benson

Address: 2005 Wheatfield Court

Pod: U Daytime Phone: 803-802-0514

Project Start Date: 5 / 1 / 2015 E-Mail Address: Technite1969@Gmail.com

Please note that the completed application must be submitted in order for it to be reviewed. The following items must be included:

1. Completed application including signatures.
2. Survey/Plat Copy (you received at closing) marking where the proposed changes will be located in relation to your deeded property line.
3. Appropriate photos of fences, awnings, stone pavers, etc. to be used in your project.
4. Appropriate drawing for additions, patios, lighting and landscape (noting plant size, genus, species and variety and marked on drawing). Dimensions must be marked on the survey/plat and drawings.
5. List of materials to be used for the project.
6. Signatures of all contiguous neighbors are required, for all projects, indicating they have been notified about the changes. Please see the Modification Submission Process for full explanation.

Contractor name: Express Sunrooms

Type/explanation of modification: Construct 12'x16' Screened Sunroom at rear of house

**SIGNATURE OF NEIGHBORS:**

I have seen the plans and am aware of the intent of our neighbor's modification. I understand that I have the right to submit my thoughts (either positive or negative) about the modification either in writing or verbally for the next modification meeting when this will be discussed and a decision will be rendered.

Signature: J R Bennett Address: 2009 Wheatfield Ct

Signature: [illegible] Address: 2001 Wheatfield Ct

Signature: _____ Address: _____

Signature: _____ Address: _____

Updated January 2014

## CAROLINA LAKES COMMUNITY ASSOCIATION
## ARCHITECITURAL REVIEW REQUEST PAGE 2

In accordance with the Declaration of Covenants, Conditions and Restrictions of Sun City Carolina Lakes Community Association Inc., I hereby apply for permission to make the aforementioned alteration/addition to the premises.

I understand and agree to the following:

1. No work will commence until I receive written approval from the HOA.
2. All work will be done at my expense and any future upkeep and repairs will be done at my expense.
3. Once commenced, all work will be done expeditiously and will be done in a good workmanlike manner by myself or a contractor and shall be completed within 90 days from the start date, weather permitting.
4. All work will be performed at a time that will minimize inconvenience to other homeowners.
5. I assume all liability and will be responsible for all damage and/or injury that may result from the performance of this work. **Contractor insurance and licensing is up to the homeowner to verify.**
6. I will be responsible for the conduct of all persons, agents, contractors and employees who are connected with this work.
7. I understand that any drainage or grading problems that are caused as a result of this modification will be my responsibility.
8. I will be responsible for complying with all federal, state and local laws, codes, regulations and requirements in connection with this work. I understand and agree that the Sun City Carolina Lakes Community Association Inc., its Board of Trustees, and/or its agents have no responsibility with respect to such compliance and that the Board of Trustees approval of this request shall not be understood as making any representation or warranty that the plans, specifications or work comply with any law, code regulation or governmental requirement. **I agree that I will obtain all applicable permits for the modification.** Licensing and building permits are regulated by Lancaster County Building and Zoning ((803) 285-1969).
9. I accept responsibility for the maintenance and/or repair for any and all damages to the modification, which may occur as a result of regular routine maintenance performed by the Association.
10. I understand any deviation from the submitted and approved modification plans will require me to submit another modification form. Any additions completed, without a new request, will result in its removal at my expense.
11. Please note, with any architectural request that is submitted, it may affect any warranty that might be in place with Pulte. It is suggested that you contact Pulte, prior to submitting your request, to verify if there will be an impact on any existing warranty as a result of your requested modification.

Signature: David B Date: March 6, 2015

Sun City Carolina Lakes by Del Webb

Sun City Carolina Lakes Association, Inc.
1353 Del Webb Boulevard
Indian Land, SC 29707
803.547.8858/main 803.802.7104/fax

March 25, 2015

David and Sandra Benson
2005 Wheatfield Ct
Indian Land, SC 29707

The Modification Review Committee has reviewed your application for a sunroom. This was **denied** per the following:

1. The county will not allow construction of a roof line to exceed the 20 foot setback on your property.

You are welcome to speak to the county for a variance regarding the setback on your property. If there is anything we can do to assist please let us know.

Should you decide to not change the request, you are welcome to appeal this to the Modification committee. If the denial is not changed, you may request that the Board of Directors for a final decision.

If you have any questions regarding this review decision, please do not hesitate to contact me at the Association office at 803-547-8858 or via email at denise.keith@fsresidential.com.

Sincerely,

Denise Keith

Denise Keith
Sun City Carolina Lakes Management Team
FirstService Residential
803-547-8858
denise.keith@fsresidential.com

EXPRESSSUNROOMS.COM

# PROPOSAL

803-487-8056
todda@expresssunrooms.com

**PROPOSAL SUBMITTED TO**

| | |
|---|---|
| Name David Benson + Sandra Benson | Date 3/6/15 |
| Address 2005 Wheatfield Ct. | Email technite1969@gmail.com |
| City, State, Zip Indian Land, SC 29707 | Lead Source Living @ Sun City |
| Home Phone 803-802-0514 Cell Phone | |

**PROJECT DESCRIPTION** 12 X 16 Screen Room

HOA Approval
Permits
Engineering
Screen Walls w/24" Knee wall + 1 Door
Vinyl To Match outside / Beaded Soffit inside
Electrical - Cap porch light / Install Fan provided by Customer / Exit light — Retail - $16,000.00
Insulated Roof System
Eave Cut Back / Saddle
Shingles / Ice + Storm Shield / Gutters
Labor — Express Sunrooms Disc. Rate $12,800.00
Clean up + Remove all Job Related Debris
Lifetime Product Warranty
2 Yr "No Questions Asked" Labor Warranty — Deduct $500.00 For No Electrical (JB)
No Pay Guarantee
* ADD - Beaded Soffit Ceiling - + $950.00 x (JB) — $ ✓ CC
* ADD To Convert to 3 Season Room - $4650.00 x 1 (JB)

WE PROPOSE hereby to furnish Custom Manufactured Materials in accordance with the above specifications, for the sum of:

| PAYMENT | Due at foundation completion | Due upon completion | CONTRACT TOTAL AMOUNT |
|---|---|---|---|
| AMOUNT | — | $12,300 a | $12,300.00 |

**ACCEPTANCE OF PROPOSAL**
The above prices, specifications and conditions are satisfactory and are hereby accepted. Payment will be made as outlined above.

TODD ACKERMAN
RESPECTFULLY SUBMITTED

3/6/15
DATE OF ACCEPTANCE

3/6/15
DATE OF ACCEPTANCE

HOME OWNER SIGNATURE

EXPRESS SUNROOMS SIGNATURE

| OFFICE USE |
|---|
| Plat |
| HOA |

## 11.3 Dimensional Requirements

Setbacks and Yards

| Land Use | Min. Building Setback | Min. Side Yard | Min. Rear Yard |
|---|---|---|---|
| Single Family Detached Residential | 20′ | 5′ | 20′ |
| Townhomes and Condominiums | 20′ | 5′ | 15′ |
| Commercial/Retail/ Office | 30′ | 0 | 15′ |

**Notes**

- Awnings and balconies may encroach up to 5 ′ into the required setback area.
- Decks may encroach 4′ into required rear yards.
- HVAC equipment and concrete pads for garage service doors may encroach 3 ′ into required side or rear yards.
- Buildings shall meet minimum separations required by building code. To address any fire protection requirements, alternative construction materials and/or techniques may be utilized to address minimum building separations, thereby mitigating this requirement.
- The minimum width for single family detached lots shall be 40 feet. However, forty-foot lot widths may not be utilized on more than 30 percent of the lots permitted by the maximum gross density allowed on the Site. The following formula shall be used to determine the maximum number of lots which may utilize forty foot lot widths:

*gross acreage of the Site x 3 (the maximum allowable density) x .30*

Building Height

| Land Use | Maximum Building Height |
|---|---|
| Single Family Detached Residential | 35′ |
| Townhomes and Condominiums | 45′ |
| Commercial/Retail/Office | 50′ |

**Notes**

- Building height shall be measured from the first floor of the building.
- Building heights of over 35 feet shall require the approval of the Fire Commission.

## Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.

e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.

# Findings Required for Granting Variances

**BZA-015-003**
**Lancaster County**
**Meeting Date: Tuesday, June 9th, 2015**

**A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:**

a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** The setback on the property starts right behind the house therefore eliminating any area to build upon.

b. **These conditions do not generally apply to other property in the vicinity:** These conditions would not apply to other adjacent properties because they have longer backyards.

c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** Without the granting of the variance the applicant would not be able to build a screened sunroom and utilize their backyard. Last year Sandra Benson was hospitalized due to a bee sting therefore she feels it is imperative to have a protected environment outdoors.

d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** The granting of the variance would not harm the surrounding properties. There are no houses behind the property and the neighbors have signed that they are okay with the sunroom proposal.

e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the dimensional requirements of the property but sunrooms are allowed in the current zoning district. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

## BOARD OF ZONING APPEALS - STATEMENT OF MATTER

### I. Facts

A. General Information

*Proposal:* This is a variance application of Brent & Kim Whitlock. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements.

*Location:* 1942 Highway 521 Bypass

*Legal Description:* Tax Map 81N, Block A, Parcel 9.

*Zoning Classification:* B-3, General Commercial District.

*Description of Plan:* The applicant is moving his Courier business from Baker Place to the new location at 1942 Highway 521 Bypass. The applicant rezoned his property from B-2, to B-3 before the construction process began. The applicant has poured the pad, but the pad does not meet the setback requirements for the B-3, General Commercial District (75 ft.), therefore the applicant is requesting a variance of 25 +/- feet. The applicant cannot push the building back any further because of the steep topography of the property and the flood plain. The applicant's property also has 118 ft., right of way for a proposed southbound lane located between his front property line and the edge of pavement for the existing 521Bypass. Another reason the applicant cannot push the pad back any further is that he would not be able to get his large Tractor Trailer trucks around the building.

B. Site Information

*Site Description:* The property is located on 521 Bypass South. The applicant's property is 3.837 acres for the proposed Courier business.

C. Vicinity Data

*Surrounding Conditions:* The surrounding property is R-30 that backs up to the reservoir with the exception of the Catawba Mental Health which is zoned B-2, Community Business District and J & S concrete across the road zoned B-3, General Commercial District.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Plat of Property

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

5. UDO – Chapter 5, Section 5.5 Accessory Buildings
6. Findings Required for Granting Variances
7. Findings Required for Granting Variances – Planning

## II. Findings

Code Considerations: Chapter 5, Density and Dimensional Regulations

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I agree that the facts and findings as stated above are true and correct.

_____

Applicant signature(s) Date

# LANCASTER COUNTY BOARD OF ZONING APPEALS
# APPLICATION FORM #1

## GENERAL INFORMATION

Date Filed: 5-8-15 Application No: BZA-015-004

This form must be completed on a hearing on ***appeal from action*** of the Zoning Official, application for a ***variance,*** or application for a ***special exception.*** Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

**THE APPLICANT HEREBY APPEALS (indicate one):**

( ) From action of Zoning Officials as stated on Form 2

( ) For a variance as stated on Form 3

( ) For a special exception as stated on Form 4

Applicant(s) Print:

Name: BRENT + KIM WHITLOCK Address: PO BOX 1465 LANCASTER

Telephone: 803 287 3552 Work: 803 285 1136

Interest: _____ Owner(s): _____

Other: _____

Owner(s) If other than applicant: _____

Address: _____ Telephone: _____

Work: _____ Other Information: _____

## PROPERTY INFORMATION

Property address: 1942 Hwy 521 S LANCASTER

Lot Area/Acres: 3.837 Block: N/A Subdivision: N/A

Tax Map #: 0081N-04-009 Plat Book: 4173 Page: _____

Lot Size or Dimension: 3.837 AC Zoning Classification: B 3

Use of Surrounding Properties: CATAWBA MENTAL HEALTH TO THE NORTH

VACANT LAND TO THE SOUTH

**Designation Agent (complete only if owner is not applicant)**

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: _____

_____

_____

Owner(s) Signature(s)

**I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.**

**I (we) certify that the information in this application and all other forms are true to content.**

**Date:** 5/6/15 **Applicant Signature(s)** _____

* Kim M. Whitlock

## LANCASTER COUNTY BOARD OF ZONING APPEALS

## VARIANCE APPLICATION – FORM#3

**Date Filed:** 5-8-15 **Application No.** BZA 015-004

1. **Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance:** Chapter 5 **so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:** To allow the const. of a proposed business, proposed south bound lanes w/SCDOT Requires, property line = R/o/w.
**for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.**

**(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:**

a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:** EXTENDED RIGHT OF WAY BY THE STATE FOR POTENTIAL HIGHWAY WIDENING.

b) **These conditions do not generally apply to other property in the vicinity as shown by:** _____

c) **Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows:** WOULD INCREASE FRONT SETBACK TO FRONT OF BLDG OVER TWENTY FEET. PLACING BLDG MORE TO REAR OF PROPERTY. ELIMINATING PLANNED PARKING. RE-GRADING. MOVE CLOSER TO WET AREA BRINGING RE-PERK INTO QUESTION

d) **The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons:** STILL WOULDN'T BE CLOSER TO ROAD & WOULD ALLOW US TO UTILIZE BACK OF PROPERTY FOR PARKING

**The following documents are hereby submitted in support of this application:** _____

**Date:** 5/6/15

**Applicant signature(s)**

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, BK WHITLOCK, have signed that I am aware of the Zoning Board of Appeals hearing date.

June 09, 2015 (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

5/6/15

(Property owner / Applicant's signature) (Date)

Kim M. Whitlock 5/6/15

(Staff's Signature) (Date)

Conn Bldg

# PERMIT TO CONSTRUCT
## Onsite Wastewater System

File Nbr **2014060009**
County: Lancaster

Name: BRENT WHITLOCK
Type Facility: SMALL SHOP
Subdivision:
Block: HWY 521 S Lot:

Address: PO BOX 1465
LANCASTER, SC 29721

Site: HWY 521 S
LANCASTER, SC 29720

Program Code: 360
System Code: 100
TM#: 081N0A00900
Water Supply: PUBLIC

**PERMIT TO CONSTRUCT SYSTEM SPECIFICATIONS**

Daily Flow (gpd): 60
LTAR: .25

**Tank Sizes (gal):** Septic Tank: 1000 Pump Chamber: Grease Trap:

**Trenches:** Length (ft): 80 Width (in): 36 Max. Depth (in): 36 Agg. Depth (in): 14

Min Pump Capacity: gpm at ft. of Head

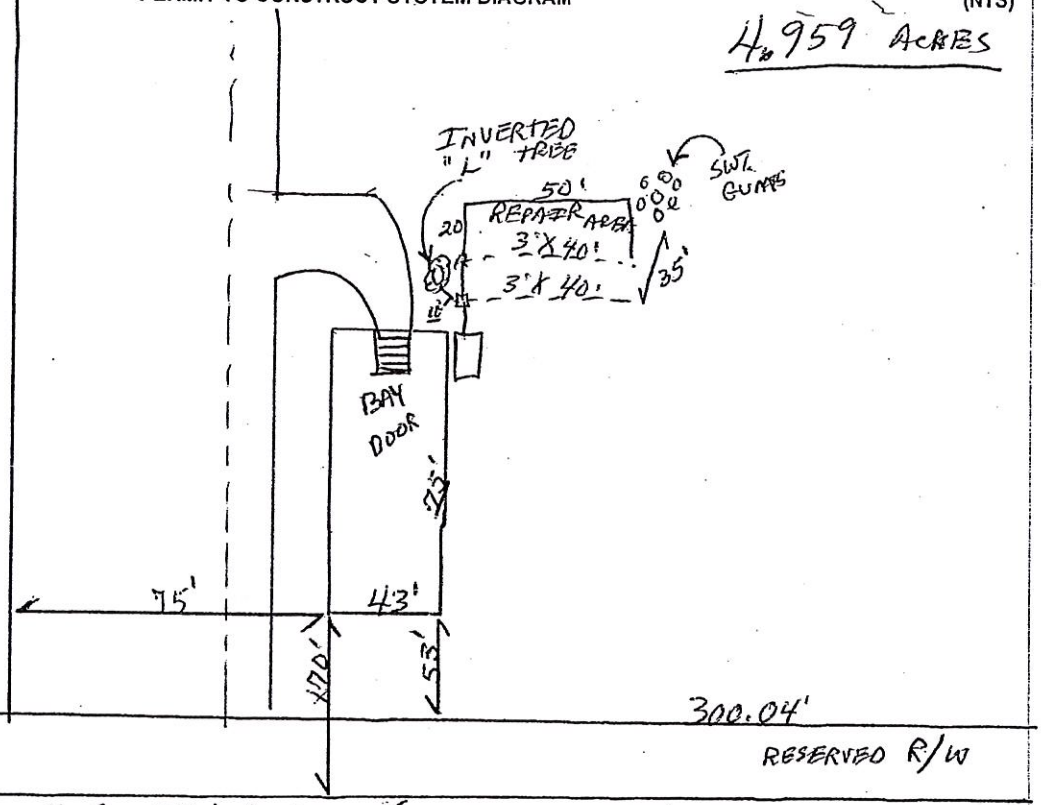
**SPECIAL INSTRUCTIONS/CONDITIONS**

THIS PERMIT IS SITE SPECIFIC. ANY CHANGES TO THE SYSTEM MUST BE APPROVED BY DHEC. ALTERNATIVE TRENCH PRODUCTS APPROVED UNDER STATE RULES AND REGULATIONS MAY BE SUBSTITUTED. ANY UNAPPROVED CHANGES WILL VOID THIS PERMIT.

NO TRAFFIC/UTILITIES OVER/THRU THE TANK/ ABSORPTION AREAS. 1. TOP OF AGGREGATE MUST BE LOWER THAN THE OUTLET OF THE TANK. 2. SITE-SPECIFIC DRAINFIELD. NO CHANGES W/O DHEC APPROVAL. PRIOR TO INSTALLATION; CALL 803-285-7461 FOR AN ON-SITE MEETING WITH DHEC/CONTRACTOR. 3. MAINTAIN A 75' POLLUTION-FREE ZONE BETWEEN THE SYSTEM AND ANY WATER WELL(S). 4..SERIAL DISTRIBUTION WILL BE UTILIZED.

**PERMIT TO CONSTRUCT SYSTEM DIAGRAM** (NTS)

4.959 ACRES

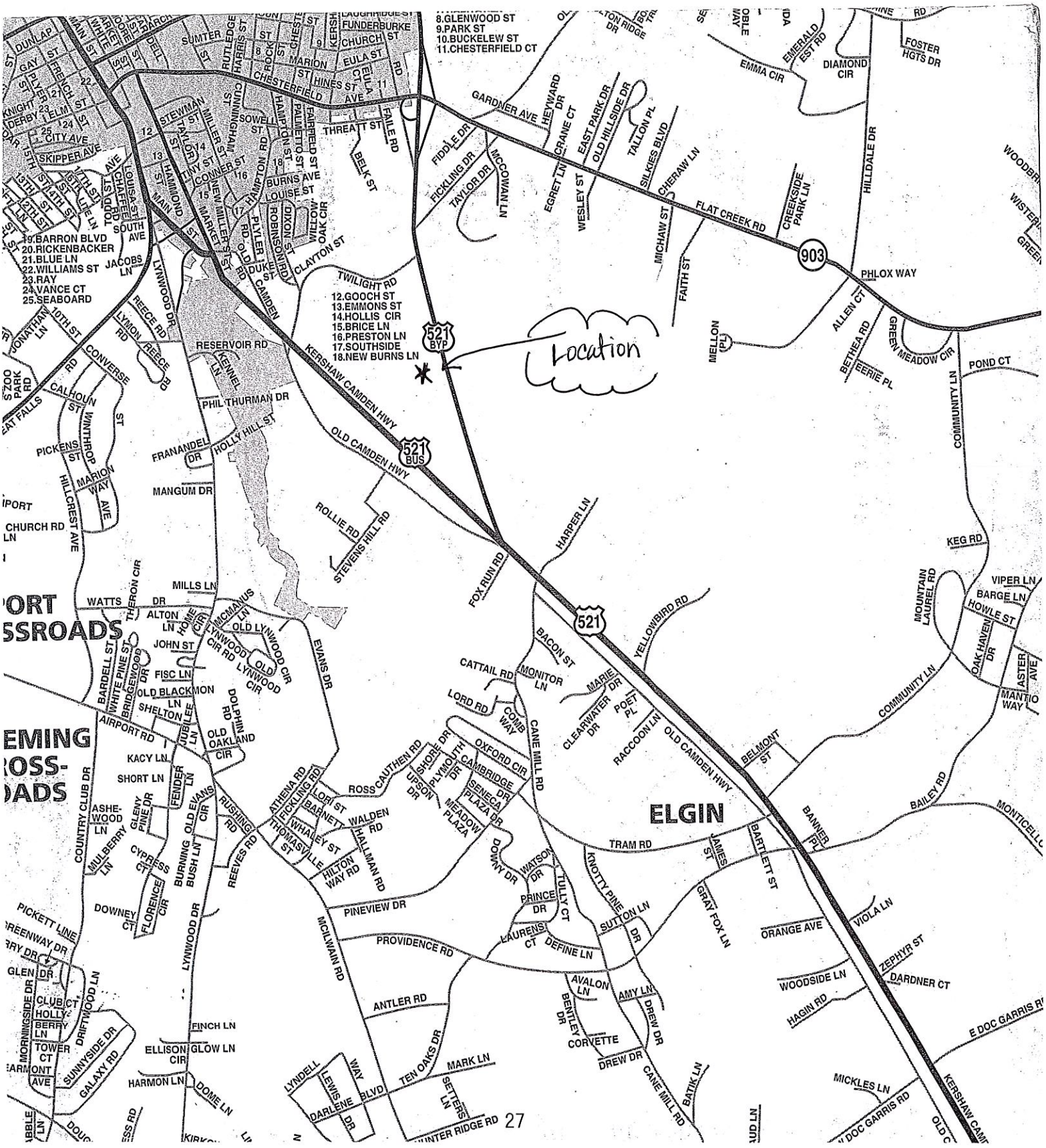



U.S. 521 BYPASS (SOUTHBOUND LANE)

Issued/Revised By: Larry W. Stridge Date: 8-22-14

DHEC 1781 (01/2014)

This Permit is Appealable Under the Administrative Procedures Act.
This Permit will Expire and Become Null and Void Five (5) Years from the Issuance Date.
There may be an Additional Fee for Changes in this Permit that Require a Site Reevaluation.



8.GLENWOOD ST
9.PARK ST
10.BUCKELEW ST
11.CHESTERFIELD CT
19.BARRON BLVD
20.RICKENBACKER
21.BLUE LN
22.WILLIAMS ST
23.RAY
24.VANCE CT
25.SEABOARD
12.GOOCH ST
13.EMMONS ST
14.HOLLIS CIR
15.BRICE LN
16.PRESTON LN
17.SOUTHSIDE
18.NEW BURNS LN
Location
521 BYP
521 BUS
521
903
KERSHAW CAMDEN HWY
OLD CAMDEN HWY
FLAT CREEK RD
PHLOX WAY
GARDNER AVE
TWILIGHT RD
RESERVOIR RD
PHIL THURMAN DR
HOLLY HILL ST
FRANANDEL DR
MANGUM DR
ROLLIE RD
STEVENS HILL RD
FOX RUN RD
HARPER LN
YELLOWBIRD RD
BACON ST
CATTAIL RD
MONITOR LN
LORD RD
CANE MILL RD
OXFORD CIR
CAMBRIDGE DR
SENECA PLAZA DR
MEADOW PLAZA
ROSS CAUTHEN RD
WALDEN RD
HALLMAN RD
HILTON WAY RD
PINEVIEW DR
PROVIDENCE RD
ANTLER RD
MCILWAIN RD
TRAM RD
KNOTTY PINE DR
SUTTON LN
DEFINE LN
AVALON LN
AMY LN
DREW DR
CORVETTE
CANE MILL RD
BATIK LN
GRAY FOX LN
BARTLETT ST
BANNER PL
BAILEY RD
MONTICELLO
ORANGE AVE
VIOLA LN
ZEPHYR ST
DARDNER CT
WOODSIDE LN
HAGIN RD
E DOC GARRIS RD
MICKLES LN
KERSHAW CAMDEN
ELGIN
PORT
SSROADS
EMING
ROSS-
OADS

AssessPro 4.6.18/4618 - Lancaster2015 - [Record Card]

File Edit Record Navigate Process Utilities Tools Options Help Status Database

Add Mod Del Save Cancel

Indexed By Parcel ID Card #

M **Parcel ID: 0081N-0A-009.00** Card: 1/1

Account: 13874 District: 01 - County

Sticker #: Ent. Parcel Area: 3.837 - AC

Location: HWY 521 BY PASS Lancaster

Land Use: NCOM - Comm Neigh: 06 - 06

M Owner #1: WHITLOCK, BRENT K Own Type:

| Market Adj Value | Current | Year 2014 |
|---|---|---|
| Calc. Land Area: | 3.830 | 3.830 |
| Full Market Value: | 32,800 | 32,800 |
| Building Value: | | |
| Yard Items: | | |
| Land Value: | 32,800 | 32,800 |
| Total Value: | 32,800 | 32,800 |
| Assessed Value: | 1,968 | 1,968 |
| Capped Total: | 32,800 | 32,800 |

Reval / Market 03

**Legal Description**

**Sales Information**

Grantor: RUNION PATRICIA P.

Sale Price: 55,000 Validity: 0

Sale Date: 1/20/2014 Sold Vacant: No

Legal Ref: 777-228

**Narrative Description**

Office Notes Notes

No Picture Available

No Sketch Available

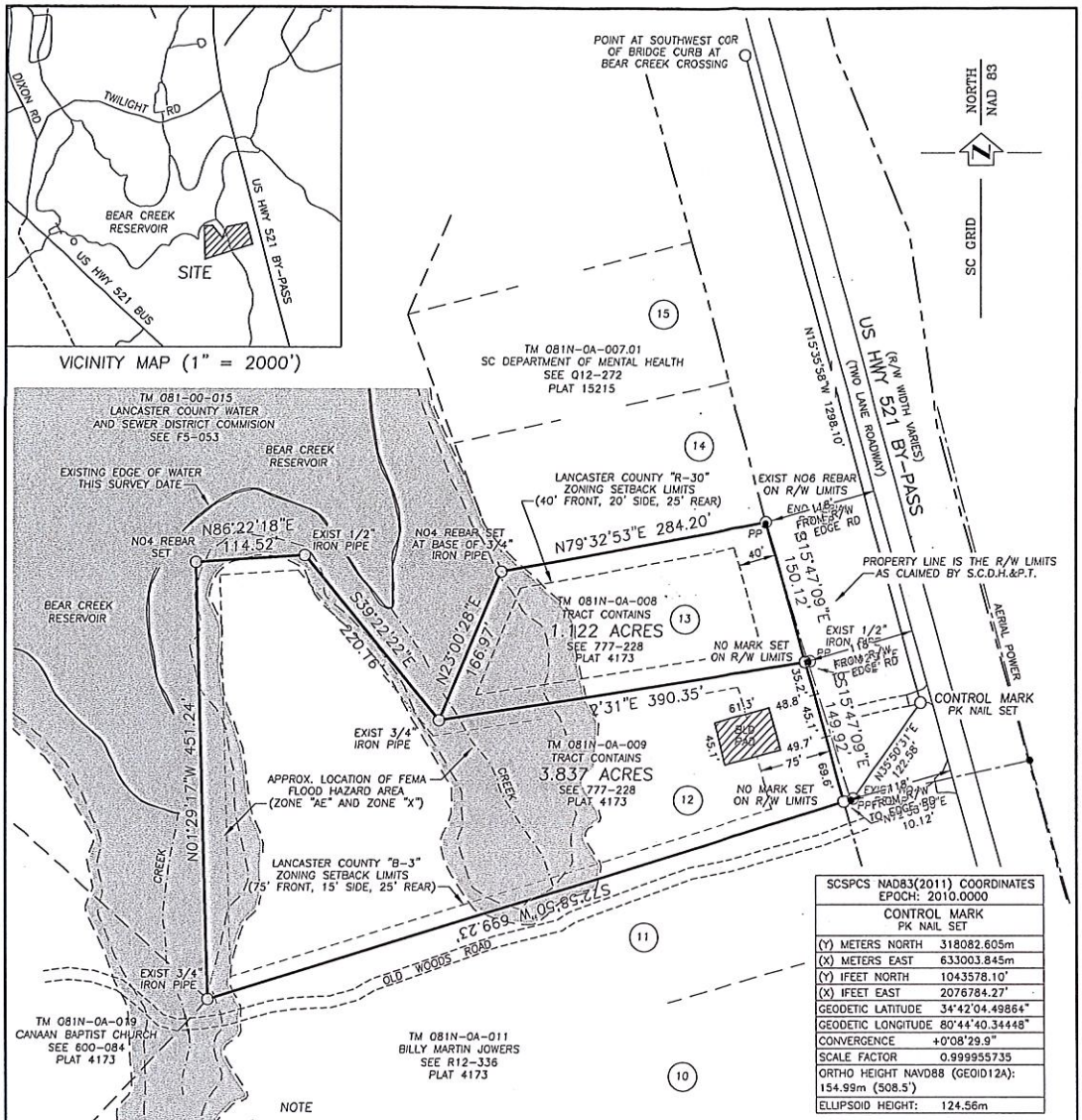
Open 5/19/2015 1:43 PM 13874 QuickList

28

| Lancaster County Assessor | | | |
|---|---|---|---|
| Parcel: 0081N-0A-009.00 Acres: 3.83 | | | |
| Name: | WHITLOCK BRENT K WHITLOCK KIM M | Land Value | $32,800.00 |
| Site: | HWY 521 BY PASS | Improvement Val | $0.00 |
| Sale: | $$55,000 on 01-2014 Vacant= Qual=0 | Accessory Value | $0.00 |
| Mail: | P O BOX 1465<br>LANCASTER, SC 29721-0000 | Total Value | $32,800.00 |

The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/19/15 : 10:13:39




| SCSPCS NAD83(2011) COORDINATES EPOCH: 2010.0000 | |
|---|---|
| CONTROL MARK PK NAIL SET | |
| (Y) METERS NORTH | 318082.605m |
| (X) METERS EAST | 633003.845m |
| (Y) IFEET NORTH | 1043578.10' |
| (X) IFEET EAST | 2076784.27' |
| GEODETIC LATITUDE | 34°42'04.49864" |
| GEODETIC LONGITUDE | 80°44'40.34448" |
| CONVERGENCE | +0°08'29.9" |
| SCALE FACTOR | 0.999955735 |
| ORTHO HEIGHT NAVD88 (GEOID12A): 154.99m (508.5') | |
| ELLIPSOID HEIGHT: | 124.56m |

NOTE

BOUNDARY INFORMATION SHOWN WAS DETERMINED BY FIELD SURVEY OF PHYSICAL EVIDENCE ON THE GROUND AND BY AVAILABLE DEEDS AND PLATS OF RECORD AS OBTAINED FROM THE LANCASTER COUNTY REGISTER OF DEEDS OFFICE. NUMBER 4 REBARS SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

HORIZONTAL AND VERTICAL COORDINATES SHOWN WERE DETERMINED BY USE OF THE DEPARTMENT OF DEFENSE NAVSTAR GLOBAL POSITIONING SYSTEM AND ARE REFERENCED TO THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM OF 1983 (SCSPCS83). ALL BEARINGS SHOWN ARE REFERENCED FROM SOUTH CAROLINA GRID NORTH NAD83.

A PORTION OF THIS PROPERTY LIES IN FEMA DESIGNATED FLOOD HAZARD AREA (ZONE "AE" AND ZONE "X") AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 45057C-0255D DATED JUNE 16 2011.

TRACTS SHOWN ARE EXISTING PARCELS OF RECORD AS DESCRIBED IN DEED BOOK 777 AT PAGE 228 AND SHOWN ON PLAT NUMBER 4173. NO NEW EASEMENTS, ROADWAYS, RIGHTS OF WAY OR PARCELS CREATED THIS SURVEY DATE.

GRAPHIC SCALE - FEET (1"= 150')

0 150 300 450 600 750

SOUTH CAROLINA ENFINGER & ASSOCIATES NO. C00426 CERTIFICATE OF AUTHORIZATION

THE INFORMATION SHOWN HEREON IS THE RESULT OF A SURVEY PERFORMED UNDER THE SUPERVISION OF C. B. ENFINGER, PLS AND WAS COMPLETED ON APRIL 30 2015. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE "MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING" ADOPTED UNDER THE CODE OF LAWS OF SOUTH CAROLINA TITLE 40, CHAPTER 22 AND IS OF CLASS "B" STANDARD. THE AREA WAS DETERMINED USING THE DMD METHOD. THE BEARINGS ARE REFERENCED FROM SC GRID NORTH NAD83.

PLAT OF BUILDING PAD LOCATION SURVEY
FOR

# BRENT K. WHITLOCK
# KIM M. WHITLOCK

LANCASTER COUNTY SOUTH CAROLINA


ENFINGER & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
803-286-6181
302 EAST ARCH STREET LANCASTER SOUTH CAROLINA 29720


| RESEARCH: CBE | PARTY: CBE EBE | COMPUTER: EBE | CARTOGRAPHER: EBE | DISK: C:\PROJECTS_2015 |
|---|---|---|---|---|
| FILE: W2D4AABA.DWG | BOOK: TSC1, MC-V | TAX MAP: 081N-0A-008, 009 | DATE: APRIL 30 2015 | SCALE RATIO: 1: 1800 (1"= 150') |

Lancaster County, South Carolina, Code of Ordinances >> PART I - THE CODE >> APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE >> CHAPTER 5. - DENSITY AND DIMENSIONAL REGULATIONS >>

# CHAPTER 5. - DENSITY AND DIMENSIONAL REGULATIONS

Section 5.1 - Minimum lot size requirements.
Section 5.2 - Residential density.
Section 5.3 - Minimum lot widths.
Section 5.4 - Principal building setback requirements.
Section 5.5 - Accessory building setback requirements.
Section 5.6 - Building height limitations.
Section 5.7 - Density on lots where portion dedicated to county.
Section 5.8 - Impervious surface standards.
Section 5.9 - Number of principal buildings on a lot.
Section 5.10 - FAA notice requirements.

## Section 5.1 - Minimum lot size requirements.

1. Subject to subsection 2., all lots in the following zones shall have a minimum of the amount of square footage indicated in the following table:

| Zone | Minimum Square Feet on Central Water and Sewer |
|---|---|
| R-45B | 43,560 |
| R-45A | 43,560 |
| R-45 | 43,560 |
| R-30D | 29,040 |
| R-30P | 29,040 |
| R-30S | 29,040 |
| R-30 | 29,040 |
| R-15P | 29,040 |
| R-15D | 14,520 |
| R-15S | 14,520 |
| R-15 | 14,520 |
| MF | 14,520 |
| B-1 | 3,000 |
| B-2 | 5,000 |
| B-3 | 7,000 |
| B-4 | 7,000 |
| I-1 | No Minimum |
| I-2 | No Minimum |
| If served by well and/or septic tanks, SCDHEC regulations shall determine area of lot(s). However, if SCDHEC regulations allow the area of a lot or lots to be smaller than what is required by this table then the minimums established by this table shall apply. | |

2.

1-23-15 For individuals to locate a septic system on an adjacent pc of property, the adj pc of property must meet the minimum, lot size, lot width for that district

The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot.

cannot own easement must show as dashed

3. Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

*(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)*

* lot size excludes R/O/W.

JSB. 1-23-15

**Section 5.2 - Residential density.**

1. In areas which are zoned R-15 and R-30 and where both water and sewer services are available and adequate, any subdivision shall comply with the following requirements:

| Zone | Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Not Available | Minimum Square Footage per Dwelling Units If Central Water & Sewer Is Available |
|---|---|---|
| R-45B | 43,560 | 43,560 |
| R-45A | 43,560 | 43,560 |
| R-45 | 43,560 | 43,560 |
| R-30D | 29,040 | 29,040 |
| R-30P | 29,040 | 29,040 |
| R-30S | 29,040 | 29,040 |
| R-30 | 29,040 | 10,000* |
| R-15D | 29,040 | 29,040 |
| R-15P | 29,040 | 29,040 |
| R-15S | 29,040 | 29,040 |
| R-15 | 29,040 | 10,000* not allowed. northern |
| MF | 5,445** | 5,445** |
| B-1 | 3,000** | 3,000** |
| B-2 | 5,000** | 5,000** |
| B-3 | 7,000** | 7,000** |
| B-4 | 7,000** | 7,000** |
| I-1 | 7,000** | 7,000** |
| I-2 | 7,000** | 7,000** |

*See subsection 4.

**See Section 4.1.21.

2. Two-family conversions and primary residences with an accessory apartment.

a. Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least one hundred fifty (150) percent of the minimum square footage required for a lot in the district where the property is located. With respect to multifamily conversions into three (3) or four (4) dwelling units, the minimum lot size shall be two hundred (200) percent and two hundred fifty (250) percent respectively of the minimum required for one (1) dwelling unit.

b. *Primary residence with accessory apartment* shall mean a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. The secondary dwelling unit shall be developed in

accordance with the standards set forth in the (local code) and only in those zoning districts where the use is permitted. The accessory dwelling unit cannot be more than 25 percent of the gross floor area of the primary residence. There shall only be one accessory apartment allowed per lot.

3. The lot size requirements established in this section are based on whether adequate water and sewer facilities are available (See the chart, above). The lots sizes set forth in this section are permissible only when adequate water and sewer facilities are or shall be made available to serve the proposed density in accordance with the provisions of the utilities chapter [Ch. 15] of this appendix.

4. In areas which are zoned R-15 or R-30 and where both central water and sewer services are available and adequate, or in areas zoned R-15D or R-15S where both central water and sewer services are available and adequate and the proposed subdivision is to be constructed with either site-built or modular homes, any subdivision shall comply with the following requirements:

   a. *Density:* The maximum density is two and one-half (2.5) dwelling units per acre. The total number of dwelling units allowed on the site shall be based on the gross acreage of the site. For example, a one hundred-acre parcel of land shall be allowed to have two hundred fifty (250) dwelling units built on the site.

   b. *Lot size:* Minimum standard lot size is ten thousand (10,000) square feet.

   c. *Lot width and setback requirements:* If the square footage of the lot contains at least twenty-nine thousand forty (29,040) square feet, then the requirements for front, side and rear yards shall be the same as those contained in Chapter 5, Density and Dimensional Regulations, based on how the property is zoned.

   If the square footage of the lot is at least ten thousand (10,000) square feet but less than twenty-nine thousand forty (29,040) square feet, then the following setback requirements shall apply:

does not allow for Indian land 1/21/14 GSB.

| | |
|---|---|
| Lot width: | 70 feet |
| Front yard: | 30 feet |
| Side yard: | 10 feet |

However, the side yard requirement may be reduced to zero (0) provided the following conditions are met:

(1) A windowless wall is placed on one side property line and the total side yard requirement is provided on the opposite side property line. For example, if a lot is sixty (60) feet in width, then a twelve-foot side yard would be required to be placed on the opposite property line from where the windowless wall is placed.

(2) The structure shall not encroach upon or be placed on the side yard property line adjacent to a street.

(3) Whenever a structure is located within four (4) feet of a side property line, a perpetual easement for wall and roof maintenance shall be provided on the adjacent lot. The minimum width of this maintenance access shall be four (4) feet. This easement shall be incorporated into each deed.

(4)

Zero lot line development is only allowed in subdivisions where all of the lots shall use this technique.

| | |
|---|---|
| Rear Yard, Principle Structure: | 45 feet |
| Rear Yard, Accessory Structure: | 10 feet |

d. *Open space:* At least sixty-five (65) percent of each lot shall not be covered by impervious surfaces.

e. *From external streets:* The minimum setback from external streets shall be same as is prescribed in the underlying zoning district.

f. *Between buildings:* The minimum distance between any two (2) buildings within this type of development shall be governed by the Standard Building Code. However, the director of emergency preparedness shall approve the fire protection measures for any development where the principal buildings are separated by less than twenty (20) feet.

5. Failure to achieve any of these provisions shall be sufficient reason for the planning commission to disapprove the subdivision request.

*(Ord. No. 323, 2-1-99; Ord. No. 400, 4-8-02; Ord. No. 529, 2-3-03; Ord. No. 696, 10-3-05; Ord. No. 748, 5-1-06; Ord. No. 981, 4-27-09)*

## Section 5.3 - Minimum lot widths.

1. No lot shall be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:
   a. Could be used for purposes that are permissible in that zoning district;
   b. Could satisfy any applicable setback requirements for that district.
2. The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundaries lines at opposite sides of the lot.
3. No lot created after the effective date of this ordinance shall contain less land or be smaller in width than the minimum lot area and width established by this section.

Public utility companies shall be exempt from the minimum lot area and width requirements if the lot being created is to be used for a use which does not require bathroom facilities and/or water service to be extended to the site. The structure(s) placed on these parcels shall be required to meet all applicable setback requirements. A Type I buffer yard shall be installed around the entire perimeter of the property.

| Zone | Lot Width on Central Sewer | Lot Width on Septic Tank |
|---|---|---|
| R-45B | 120 | 130 |
| R-45A | 120 | 130 |
| R-45 | 120 | 130 |

| | | |
|---|---|---|
| R-30D | 100 | 130 |
| R-30P | 130 | 130 |
| R-30S | 100 | 130 |
| R-30 | 100 | 130 |
| R-15D | 90 | N/A |
| R-15P | 130 | 130 |
| R-15S | 90 | N/A |
| R-15 | 90 | N/A |
| MF | 90 | 130 |
| B-1 | 60 | 130 |
| B-2 | 60 | 130 |
| B-3 | 60 | 130 |
| B-4 | 60 | 130 |
| I-1 | 60 | 130 |
| I-2 | 60 | 130 |

70' F
10' S
45' R
#400

*(Ord. No. 323, 2-1-99; Ord. No. 696, 10-3-05)*

## Section 5.4 - Principal building setback requirements.

1. Subject to sections 5.5 and 5.6 and the other provisions of this section, no portion of any building shall be located on any lot closer to any lot line or to a street than is authorized in the table set for the below.
   a. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline.
   b. As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
2. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.
3. Setback distances shall be measured from the property line or street right-of-way or easement line to the nearest portion of any building, excluding: Tailed w/ KC vacuums, would not have to meet a setback: EX Sam's mart.
   a. Any step, eave, gutter, canopy, or similar fixture;
   b. A deck or patio if no portion of the same extends more than twselve (12) inches off the ground;
   c. Any structure that is a mere appendage to a building, e.g., a flagpole.
   d. Any heating or air conditioning unit, so long as such unit is located as close as reasonably possible to the wall of the building it serves.

Considered equipment

8-30-12
RB

PRINCIPAL BUILDING SETBACK REQUIREMENTS

| | Minimum Distance (Ft.) | | | |
|---|---|---|---|---|
| Zone | Street Row Line** | Street Center Line** | Side Yard** | Rear Yard** |
| R-45B | 40 | 70 | 20 | 25 |
| R-45A | 40 | 70 | 20 | 25 |

| | | | | |
|---|---|---|---|---|
| R-45 | 40 | 70 | 20 | 25 |
| R-30D | 40 | 70 | 20 | 25 |
| R-30P | 40 | 70 | 20 | 25 |
| R-30S | 40 | 70 | 20 | 25 |
| R-30 | 40 | 70 | 20 | 25 |
| R-15D | 35 | 65 | 10 | 25 |
| R-15P | 40 | 70 | 20 | 25 |
| R-15S | 35 | 65 | 10 | 25 |
| R-15 | 35 | 65 | 10 | ~~25~~ 45 |
| MF | 40 | 70 | 25* | 25* |
| B-1 | 25*** | 55 | 10* | 10* |
| B-2 | 25*** | 55 | 10* | 10* |
| B-3 | 75*** | 105 | 15* | 15* |
| B-4 | 25*** | 55 | 15* | 15* |
| I-1 | 40 | 70 | 25* | 25* |
| I-2 | 50 | 80 | 35* | 35* |

*For any multiple-family or nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For ever foot of building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.

**See Section 16.15, Setbacks From Streams Outside Designated Floodplains, and Section 10.14, Location and Height Requirements (Signs).

****The front setback in the B-3, General Commercial District, may be reduced from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, may be reduced from 25 feet to 20 feet only if certain conditions are met. For the list of conditions which must be met to reduce the front setback in any commercial district, see subsection 5 of this section of the Ordinance. If these conditions cannot be met or the property owner does not want to meet these requirements, then the front setback shall be 75 feet in the B-3 District, and 25 feet in B-1, B-2 and B-4 Districts.

4. The following modifications shall apply, where applicable:

   a. Where more than one (1) main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.

   b. Where a lot fronts on any corner lot shall provide front yard setbacks only along the property line where the principal access to the building located on the parcel is oriented.

   c. Notwithstanding the front yard setback of this section, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block and within four hundred (400) feet of the proposed use.

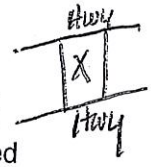
   d. Commercial condominium projects are allowed to share interior property lines; provided that twenty-foot setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet parallel to the street providing principal access.

   e.

For townhouses, there shall be no minimum between units, but a setback equal to the height of the building (minimum twenty-five (25) feet) shall be required between the end unit and the external property line, and between buildings on the project site. No more than six (6) units may be attached.

f. For multi-family and attached single-family dwellings, a twenty-five-foot setback shall be required between buildings on the project site.

g. Where a lot fronts on two nonintersecting streets, a front yard setback requirement shall be provided on the street/road which is considered to have the higher street classification. On the lower classified street, the front yard shall be considered a rear yard. In this area, the rear yard setback requirement shall be one-half (½) the required front setback requirement.




5. In order to reduce the front setback requirement in the B-3, General Commercial District, from 75 feet to 25 feet and in the B-1, Business/Office District, B-2, Community Business District and B-4, Restricted Commercial District, from 25 feet to 20, the following conditions shall be met.

a. All parking shall be located to the sides and the rear of the building. Parking shall not be permitted in the front twenty-five-foot setback area (the area between the building and the adjacent street frontage). On corner lots, front yard setback requirements will be required on both streets. In both of these areas no parking will be allowed. The developer will submit to the building and zoning department a site plan with the proposed setback plan. The developer must submit a plan that shows a consistent setback for the entire development. The setbacks on internal/private roads within a commercial development will have no setback requirements.

b. No blank walls shall be allowed to front any adjoining street. To meet this requirement, a minimum of sixty (60) percent of the total square footage of any faade which fronts an adjoining street shall contain either windows or entryways. At a minimum, at least one entryway shall be provided along the street frontage to each commercial or office use located in the building. Windows and doors shall contain clear, transparent glass. All doors which are adjacent to the street frontage shall be made of at least fifty (50) percent clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door located on the same faade which is visible from the adjacent street.

c. A planting strip which is a minimum of ten (10) feet in width shall be installed immediately adjacent to the road right-of-way. The planting strip can be located within the front twenty-five-foot setback. This planting strip shall contain at least one (1) non-ornamental tree every forty (40) feet or one (1) ornamental tree every twenty-five (25) feet. This spacing requirement for non-ornamental trees is greater than the spacing requirement for these same type of trees contained in Chapter 12, Landscaping Requirements, as a means to help create a traditional, small town commercial district appearance and feel. In addition, six (6) small shrubs shall be planted between each of the trees planted to meet this requirement.

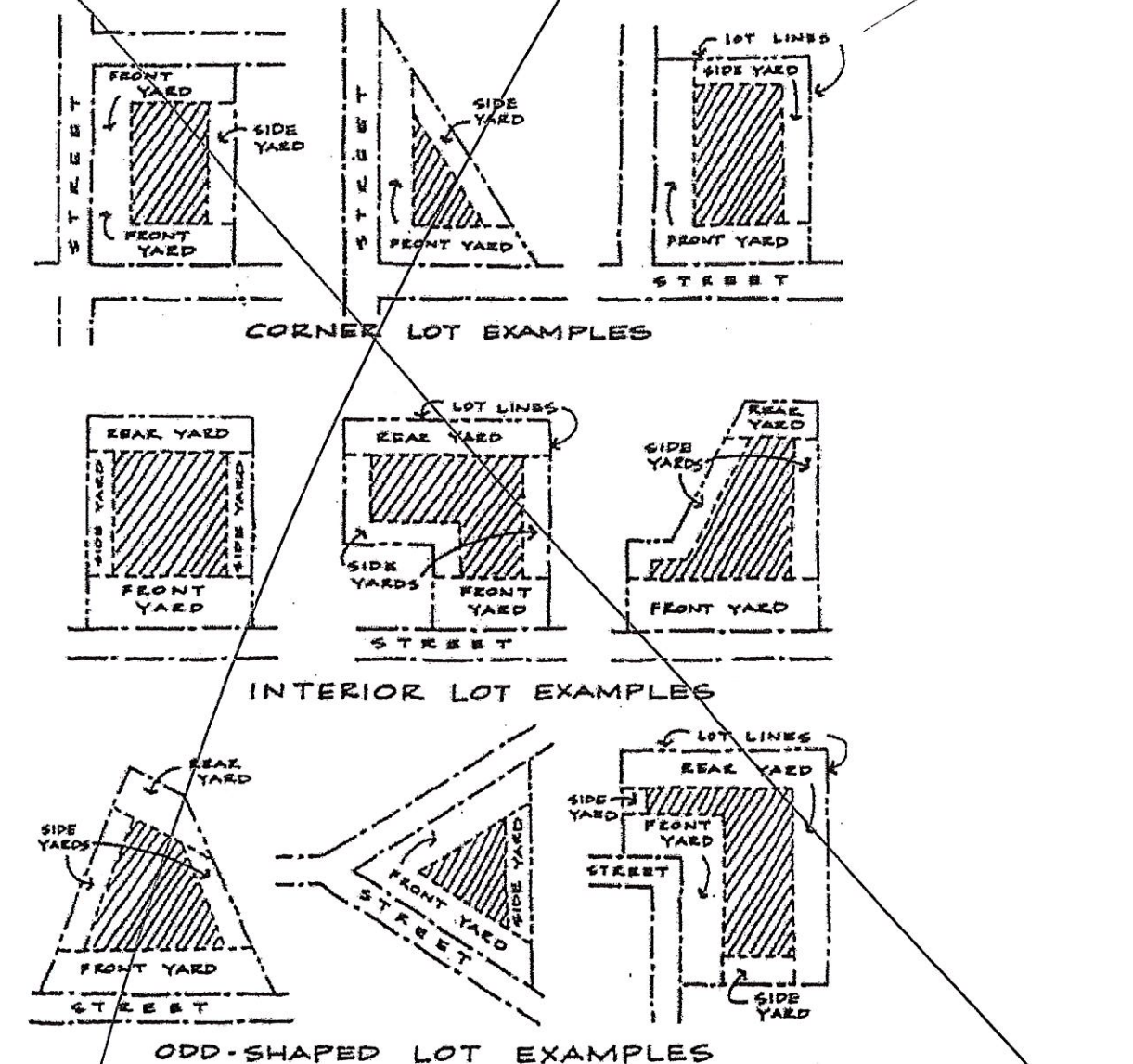
d. A sidewalk that is at least six (6) feet in width shall be provided in each of the following locations: 1) between the building and the adjoining street frontage, 2) between the building and the parking area located to the rear of the building and 3) along both sides of all internal streets. All sidewalks shall be constructed using brick, brick panels, concrete or some other similar type of material. Where outdoor seating for restaurants, etc. will occupy part of a public sidewalk, there shall be a minimum of six (6) feet of clearance for adequate pedestrian passing.

e.

Signage requirements for this type of development shall follow the signage requirements contained in Chapter 10, Signs, with one exception. The exception is one (1) sign shall be allowed on the side of the building facing the street frontage and one (1) sign shall be allowed between the building and the parking area. These signs can only be wall signs, shall be the same size and the size shall be determined as outlined in section 10.10, Maximum sign surface area for other than freestanding signs.

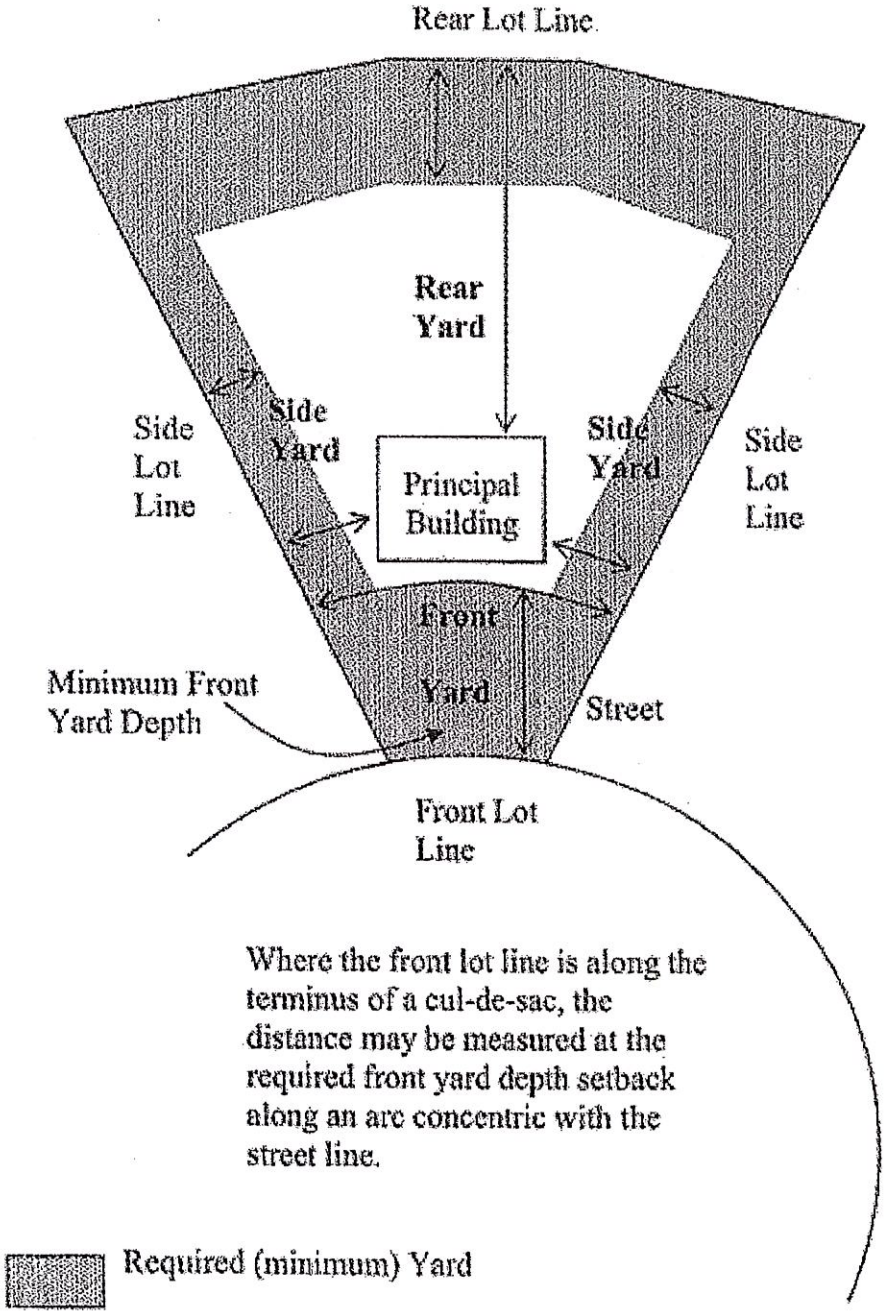
*(Ord. No. 323, 2-1-99; Ord. No. 454, 10-1-01; Ord. No. 696, 10-3-05; Ord. No. 746, 5-1-06; Ord. No. 861, 11-5-07; Ord. No. 930, 7-7-08)*

**FIGURE 1**




***Required Yards***

ILLUSTRATION OF LOT FRONTAGE
MEASUREMENT ON CUL-DE-SAC




***Cul-de Sac Frontage***

**Section 5.5 - Accessory building setback requirements.**

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in section 5.4

don't address corner per KC

2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building, or no closer than one hundred (100) feet from the right-of-way or easement line of the street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street. For accessory structures which are in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor area, see subsection (6).

3. Accessory buildings in residential districts, subject to subsection (2) shall not be allowed within five (5) feet of a rear or side boundary line.

4. Barns and structures housing livestock and the keeping of swine or fowl regardless of the type of enclosure shall be located a minimum of one hundred (100) feet from the nearest property line.

5. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.

6. Accessory buildings or structures in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor areas, satellite dishes, ham radio towers and domestic kennels and pens shall observe the following minimum setback requirements.

   a. *Front:* Must be located entirely behind the front of the principal buildings, or no closer than one hundred (100) feet from the right of-way or easement line of a street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.

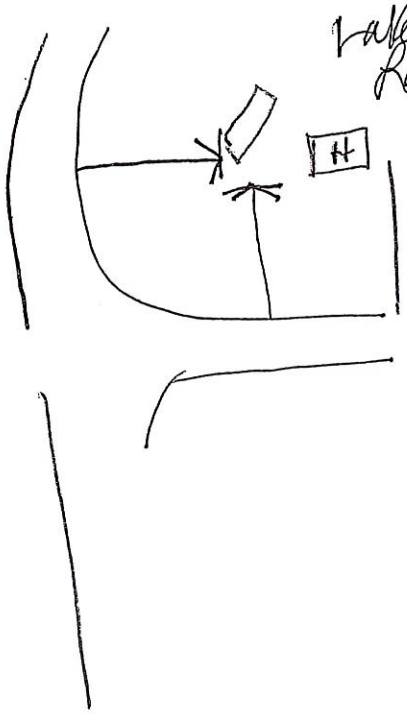
   b. *Side and rear yards:* The same as is required for a principal building located in that particular zoning district.

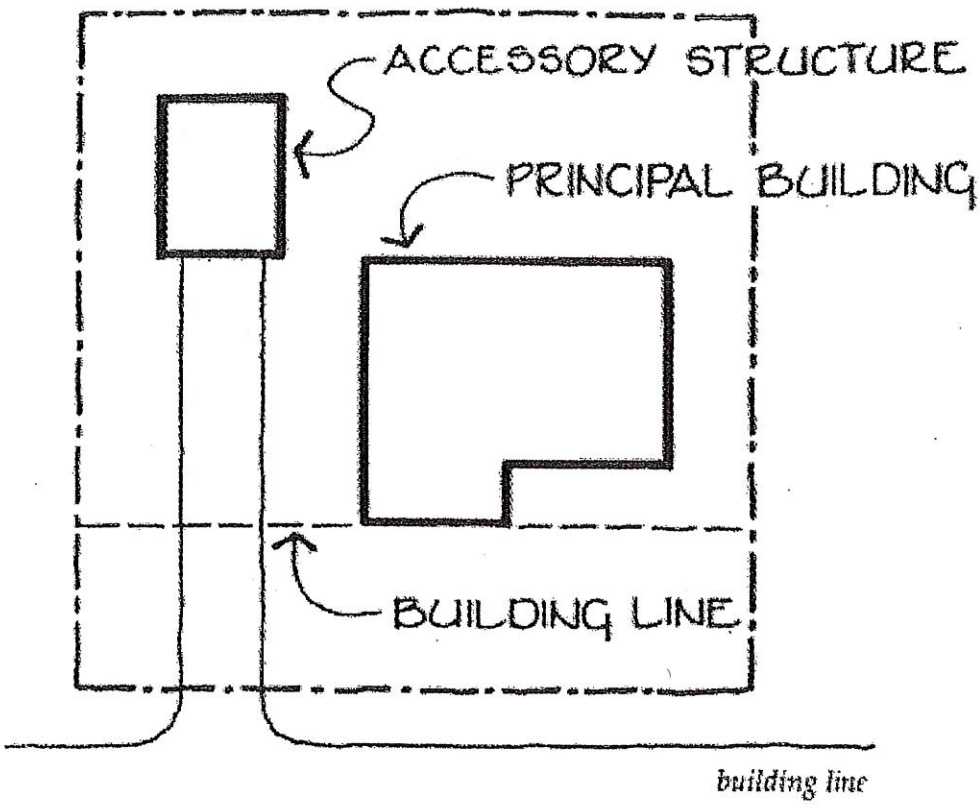
7. Uses that are accessory to the principal structure such as swimming pools (in ground and above), hot tubs, temporary or permanent, shall observe the same setback requirements as the principal use regardless of the size or type. The only exception to this requirement is that the rear setback for these types of structures shall be ten (10) feet instead of twenty-five (25) feet.

*(Ord. No. 323, 2-1-99; Ord. No. 554, 7-7-03; Ord. No. 746, 5-1-06; Ord. No. 747, 5-1-06; Ord. No. 872, 12-3-07)*

Pools

Patterson Landing






***Acessory Building Setback***

**Section 5.6 - Building height limitations.**

1. For purposes of this section:
   a. Subject to subsection 1.b., the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
   b. With respect to single-family detached residences, the height of a building shall be the vertical distance between the average mean elevation of the finished grade at the front of the building and the highest part of the structure, but not including skylights, and roof structures for elevators, stairways, tanks, heating ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building.
   c. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roofs surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.
2. Subject to the remaining provisions of this section, building and structure height limitations in the various zoning districts shall be as follows:

| Zone | Maximum Height (see subsection (4)) |
|---|---|
| B-3 | 50 feet |
| I-2 | 60 feet |
| All other districts | 35 feet |

3. The following features are exempt from the district height limitations set forth in subsection 2.:
   a. Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);
   b. Flagpoles and similar devices;
   c. Towers and antennas (to the extent such uses are allowed in the Table of Permissible Uses) and excluding wireless communication towers.
   d. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
4. Notwithstanding subsection (2), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any building shall not exceed 35 feet unless the building and zoning official certifies to the permit-issuing authority, after consultation with the director of emergency preparedness, that such building is designed to provide adequate access for fire fighting personnel or the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. In the B-3 and I-2 Districts, the height limitations shall be followed unless the building and zoning official certifies to the permit issuing authority, after consultation with the director of emergency preparedness that the structure is designed to provide adequate access for fire fighting personnel or such building is designed or is equipped to provide adequate protection against the dangers of fire, or that such building is served by an internal fire service organization.
5. The height limits contained in the Airport Overlay District may apply additional height limitations to a specific piece of property. Check the regulations in Chapter 2, Zoning Districts and zoning map, of the unified development ordinance and with the building and zoning department to determine how these regulations apply to a specific piece of property.

*(Ord. No. 1004, 11-30-09)*

## Section 5.7 - Density on lots where portion dedicated to county.

1. Subject to the other provisions of this section, if any portion of a tract lies within an area that the county would like to acquire or have dedicated as part of a proposed school site, public park, greenway, other open space area, or public right-of-way and before the tract is developed, the owner of the tract, with the concurrence of the county, dedicates to the county or the state that portion of the tract that lies within such an area, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder shall be developed shall be calculated in accordance with the provisions of this section.
2. If the proposed use of the remainder is a single-family detached residential subdivision, then the lots in such subdivision may be reduced by up to 25 percent except that the developer need not set aside open space to the extent that an equivalent amount of land has previously been dedicated to the county in accordance with subsection 1.
3. If the proposed use of the remainder is a two-family or multifamily project, then the permissible density at which the remainder shall be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.
4. If the portion of the tract that remains after dedication as provided in subsection 1. is divided in such a way that the resultant parcels are intended for future subdivision or development,

then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections 2. and 3.

### Section 5.8 - Impervious surface standards.

1. Impervious surfaces are those that do not absorb water. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ratio is a measured of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the base site area.
2. The purpose of impervious surface standards is to reduce the impact of storm water runoff created by development. By requiring on-site permeable areas, lot line "black topping" is declared by this ordinance to be an unacceptable practice.
3. The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

| Proposed Use | Percent Total Lot/Site Area |
|---|---|
| Residential | 55 |
| Commercial/business | 80 |
| Industrial/warehousing/storage | 80 |
| Institutional | 65 |

### Section 5.9 - Number of principal buildings on a lot.

all others must have 1.0 acre Regardless of Zoning district

Except for the following uses and projects, no more than one principal building may be located upon a lot of record; provided the subject parcel contains a minimum lot area of one acre regardless of the zoning district in which it is located. * 5/28/2008

- * Institutional buildings
- * Industrial buildings
- * Multi-family dwellings
- * Commercial buildings
- * Planned development projects
- * Manufactured home parks in accord with section 13.13
- * Manufactured homes in accord with section 4.1.12

* These can have multiple Buildings.

- Broadcast Towers - AKA "Antenna" are exempt, which would include TV & Radio Towers. Chapter 5 (see 5.6) 3e

* Chapter 3, Sec 3.5(1) unless pack. located in a public R/W or Easement
- would not be listed in Table of Uses
- no permit fees
- would be considered a utility

### Section 5.10 - FAA notice requirements.

The owner of any parcel whereupon the construction, erection, or alteration of any existing or proposed building or structure that exceeds two hundred (200) feet above ground level shall comply with the provisions of 14CFR77 subpart B by filing a Notice of Construction or Alteration with the Federal Aviation Administration (FAA).

*(Ord. No. 1024, 4-12-10)*

## Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.

e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.

FINDINGS REQUIRED FOR GRANTING A VARIANCE
BZA-015-004
Lancaster County
Brent & Kim Whitlock
Meeting Date: June 09, 2015

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship If the Board makes and explains in writing all of the following:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. **The property is located on Hwy. 521 Bypass south. The property is located 118 ft. off the edge of the two lane paved Hwy 521 Bypass South. The property does have steep topographical issues at the rear of the property, along with the flood plain. The pad has already been constructed, but does not meet the setback requirements for the B-3, General Commercial District which is 75 ft. on the front setback, therefore the applicant is requesting a 25 ft. variance. The applicant cannot move the pad any further back also because of the septic system.**

b. These conditions do not generally apply to other property in the vicinity;
**No.**

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
**For the same reasons stated in (a).**

d. The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.
**To approve the variance will not be of substantial detriment to the adjacent property or to the public good because of the 118'ft separation that does exist. Nor will the character of the district be harmed or impair the purpose and intent of this Ordinance or the Comprehensive Plan.**

e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map. **The use is a permitted use in the B-3, General Commercial District. The use will not be a physically non-conforming use of land and will not change the district boundaries shown on the Official Zoning Map.**

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

## BOARD OF ZONING APPEALS - STATEMENT OF MATTER

### I. Facts

A. General Information

*Proposal:* This is a variance application of Mr. Robert Whitaker. The applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations, Section 5.5, Accessory Building Setback Requirements of the Lancaster County Unified Development Ordinance regarding the setback requirements.

*Location:* 4112 Shiloh Unity Road

*Legal Description:* Tax Map 35, Parcel 17.01

*Zoning Classification:* R-45B

*Description of Plan:* The applicant wants to construct a storage building beside the home. The proposed building will extend 70 feet over the wall line facing Legend Road therefore the applicant is requesting a variance from Chapter 5, Density and Dimensional Regulations. The applicant does not believe another area of the property would be suited to house the accessory building considering the limited space behind the home and the location of the septic tank.

B. Site Information

*Site Description:* The property is located on the corner of Shiloh Unity and Legend Road. The applicant's home is on a 1.46 acre lot with woods in the rear.

C. Vicinity Data

*Surrounding Conditions:* The surrounding property is residential and zoned R-45B. Woods are located across Legend Road and a manufactured home is located adjacent to the subject property on Shiloh Unity Road.

D. Exhibits

1. Variance Application
2. Location Map
3. Lancaster County Tax Inquiry Sheet
4. Plat of Property
5. UDO – Chapter 5, Section 5.5 Accessory Buildings
6. Photos of Area
7. Findings Required for Granting Variances
8. Findings Required for Granting Variances – Planning

Date of Meeting: 6-9-15
__ Approved __ Denied __ No Action

## II. Findings

Code Considerations: Chapter 5, Density and Dimensional Regulations

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I agree that the facts and findings as stated above are true and correct.

Applicant signature(s) Date

# LANCASTER COUNTY BOARD OF ZONING APPEALS
# APPLICATION FORM #1

## GENERAL INFORMATION

Date Filed: 5-12-~~200~~ 2015 Application No: BZA 015-005

This form must be completed on a hearing on ***appeal from action*** of the Zoning Official, application for a ***variance,*** or application for a ***special exception.*** Entries must be printed or typed. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.

**THE APPLICANT HEREBY APPEALS (indicate one):**

( ) From action of Zoning Officials as stated on Form 2

( ) For a variance as stated on Form 3

( ) For a special exception as stated on Form 4

Applicant(s) Print:

Name: Robert Whitaker Address: 4112 Shiloh Unity Rd

Telephone: 803-416-2301 Work: 803-366-9415

Interest: _____ Owner(s): Robert Whitaker

Other: _____

Owner(s) If other than applicant: _____

Address: _____ Telephone: _____

Work: _____ Other Information: _____

## PROPERTY INFORMATION

Property address: 4112 Shiloh Unity Rd Lancaster SC

Lot Area/Acres: 1.46 Block: _____ Subdivision: _____

Tax Map #: 0035-00-017.01 Plat Book: #7379 Page: _____

Lot Size or Dimension: 1.46 acres Zoning Classification: R-45B

Use of Surrounding Properties: Surrounding properties are residential.

Will not interfear with surrounding properties. Building would be no closer than home to Lot B and only 15ft closer to D.

**Designation Agent (complete only if owner is not applicant)**

I (we) hereby appoint the person(s) named as applicant(s) as my (our) agent to represent me (us) in this application.

Date: 5-12-15 Robert Whitaker

Owner(s) Signature(s)

**I (we) the undersigned hereby state and understand that while this application will be carefully reviewed and considered, all burden of proof rests within the applicant subject to application request. All incorrect or falsified information or documentation will cause application to be null and void.**

**I (we) certify that the information in this application and all other forms are true to content.**

**Date:** 5-12-15 **Applicant Signature(s)** Robert Whitaker

## LANCASTER COUNTY BOARD OF ZONING APPEALS

## VARIANCE APPLICATION – FORM#3

**Date Filed:** 5-12-2015 **Application No.** BZA 015-005

1. **Applicant(s) hereby appeals to the Lancaster County Board of Zoning Appeals for a variance from the strict application to the property described in the General Information (Form #1) of the following provisions of the Lancaster County Unified Development Ordinance:** Ch.5 Sect.5.5 Acc. Build. Set. **so that a zoning permit may be issued or permission granted to allow the use of the property described as follows:** To build a storage building beside home near Leggend Rd. 28Ft from Road centerline, No closer to Shiloh Unite than house **for which a permit or permission has been denied by the zoning official on the grounds that the proposal would not comply with the specific requirements of the cited section(s) of the Lancaster County Unified Development Ordinance.**

**(2) The application of the ordinance will result in unnecessary hardship and the standards for a variance as set by South Carolina Law and the Lancaster County Unified Development Ordinance are met by the following facts:**

a) **There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:** unable to build building behind house due to septic tank and lines and not enough space property lines and septic or home

b) **These conditions do not generally apply to other property in the vicinity as shown by:** Building will not have any affect to other property in the vicinity

c) **Because of these conditions, the application of the Lancaster County Unified Development Ordinance to the particular piece of property would prohibit or unreasonably restrict the utilization of the property as follows:** Building has to be further from Legend Rd & Shiloh Unity rd. so building would be directly behind house on or near septic and other property lines

d) **The granting of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be compromised by the granting of the variance for the following reasons:** Building would not be closer to Shiloh Unity than house and 28ft from Legend Rd center line. Building roof design will match home

**The following documents are hereby submitted in support of this application:** Pictures behind home where septic is, and pictures of side yard where building will go.

**Date:** 5-12-15

Robert Whitaker

**Applicant signature(s)**

Upon completion of your Application, sign the statement below, and return it along with your application by the due date. A copy of this acknowledgment will be attached with your application for our records.

I, Robert Whitaker, have signed that I am aware of the Zoning Board of Appeals hearing date.

June 09, 2015 (Hearing Date)

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If for some reason I or a representative will not be able to attend the scheduled meeting, I must request a deferral to another date, or withdraw my application, if I do not want my application considered by the Zoning Board of Appeals.

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The zoning Board of Appeals will still hold the hearing on my request and can take any form of action, including denial. Should my request be denied, I will not be permitted to resubmit the request to the Zoning Board of Appeals for a period of six months, unless conditions have changed substantially and the Zoning Board of Appeals votes unanimously to rehear the matter.

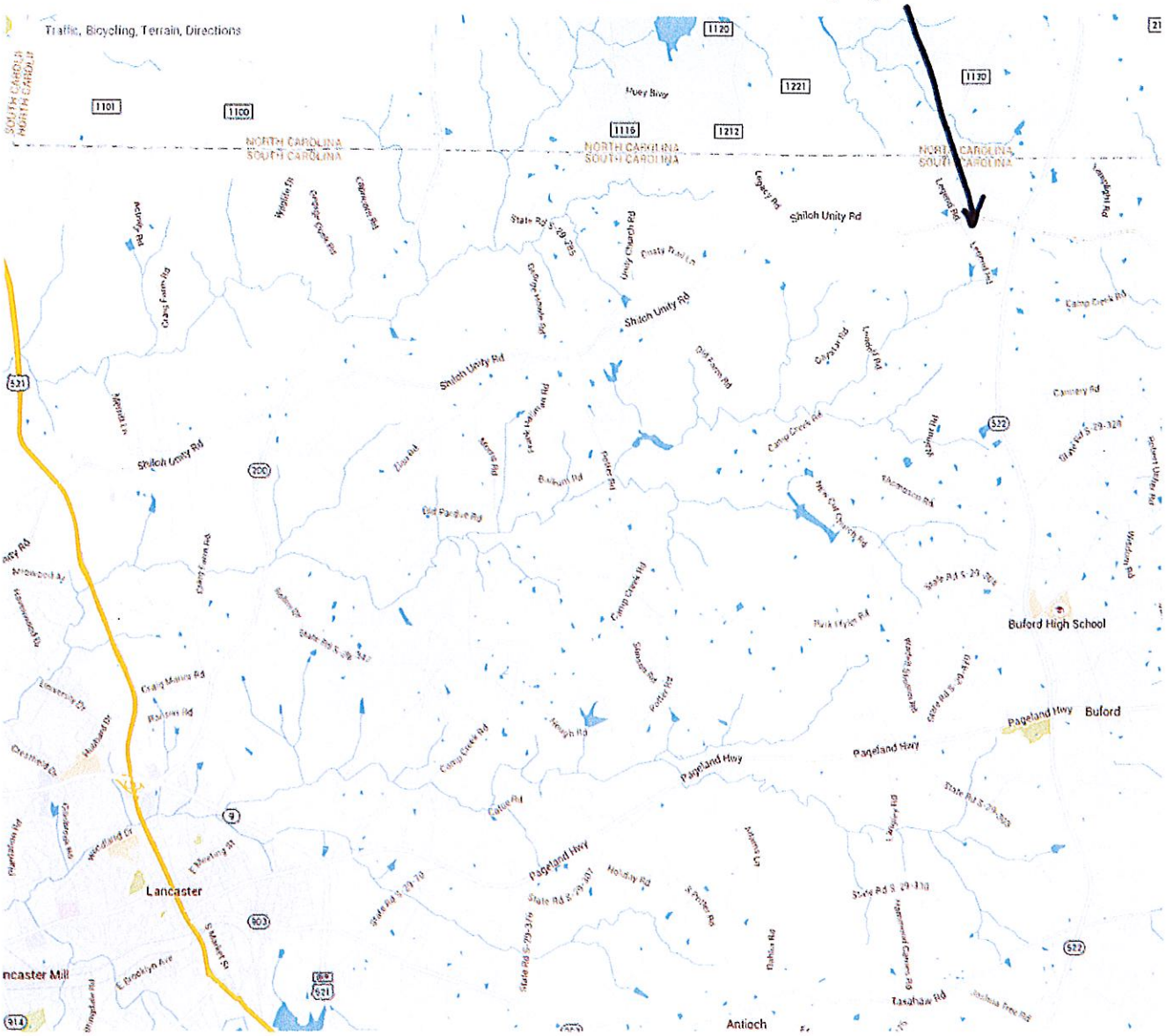
Robert Whitaker — 5-12-15

(Property owner / Applicant's signature) (Date)

Glenn Boone — 5-12-15

(Staff's Signature) (Date)

LOCATION MAP



| Lancaster County Assessor | | | |
|---|---|---|---|
| Parcel: 0035-00-017.01 Acres: 1.46 | | | |
| Name: | WHITAKER ROBERT K | Land Value | $17,300.00 |
| Site: | 4112 SHILOH UNITY RD | Improvement Val | $47,800.00 |
| Sale: | $$74,900 on 03-2007 Vacant= Qual=0 | Accessory Value | $1,500.00 |
| Mail: | 4112 SHILOH-UNITY ROAD<br>LANCASTER, SC 29720 | Total Value | $66,600.00 |

The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/29/15 : 15:06:01

AssessPro 4.6.18/4618 - Lancaster2015 - [Record Card]

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Indexed By Parcel ID Card #

**Parcel ID: 0035-00-017.01** Card: 1/1

Account: 2967 District: 01 - County

Sticker #: Ent. Parcel Area: 1.46 - AC

Location: 4112 SHILOH UNITY RD Lancaster

Land Use: QMH - QualMH Neigh: 04 - 04

Owner #1: WHITAKER ROBERT K Own Type:

| Market Adj Value | Current | Year 2014 |
|---|---|---|
| Calc. Land Area: | 1.460 | 1.460 |
| Full Market Value: | 66,600 | 66,600 |
| Building Value: | 47,800 | 47,800 |
| Yard Items: | 1,500 | 1,500 |
| Land Value: | 17,300 | 17,300 |
| Total Value: | 66,600 | 66,600 |
| Assessed Value: | 2,664 | 2,664 |
| Capped Total: | 66,600 | 66,600 |

Reval / Market 02

**Legal Description**

**Sales Information**

Grantor: YOUNG DOUGLAS,

Sale Price: 74,900 Validity: 0

Sale Date: 3/2/2007 Sold Vacant: No

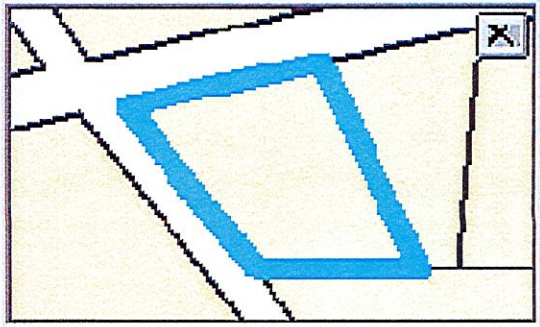
Legal Ref: 383-261

**Narrative Description**

This parcel contains 1.46 AC of land mainly classified as QualMH with a Mobile Home Building built about 2003, having primarily Corg Metal Exterior and 1736 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

☑ Office Notes ☐ Notes

No Picture Available



Open | 5/19/2015 | 1:49 PM | Move to Next Record Card | 2967 | QuickList

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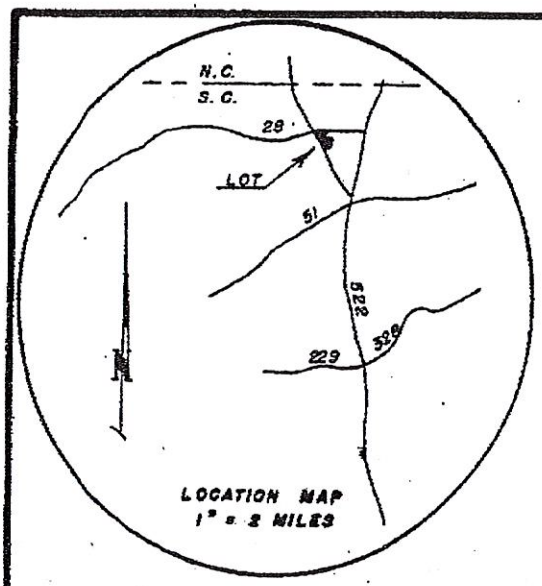
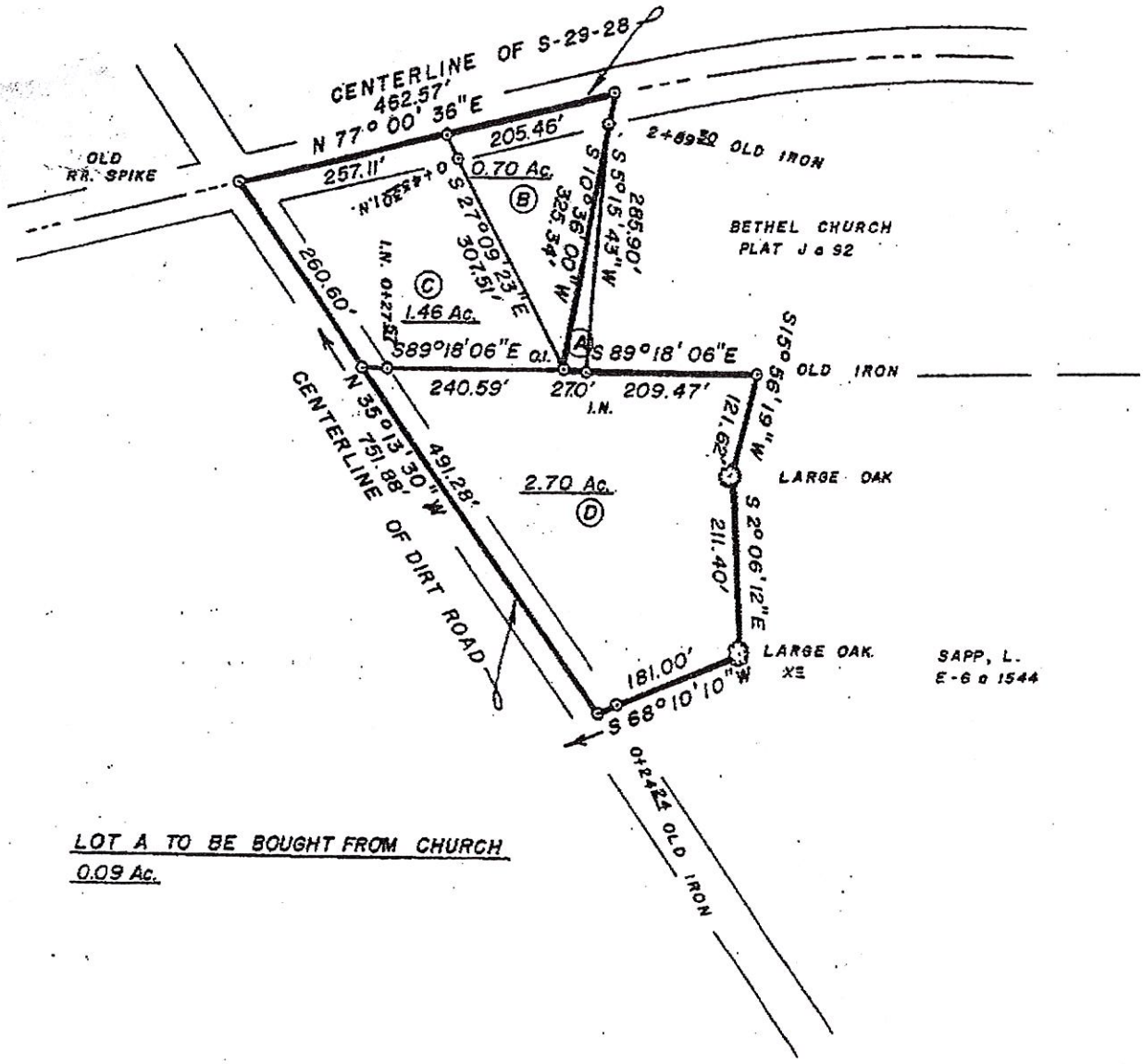
CLERK OF COURT
LANCASTER COUNTY, S.C.

Plat # 7379






LOT A TO BE BOUGHT FROM CHURCH
0.09 Ac.

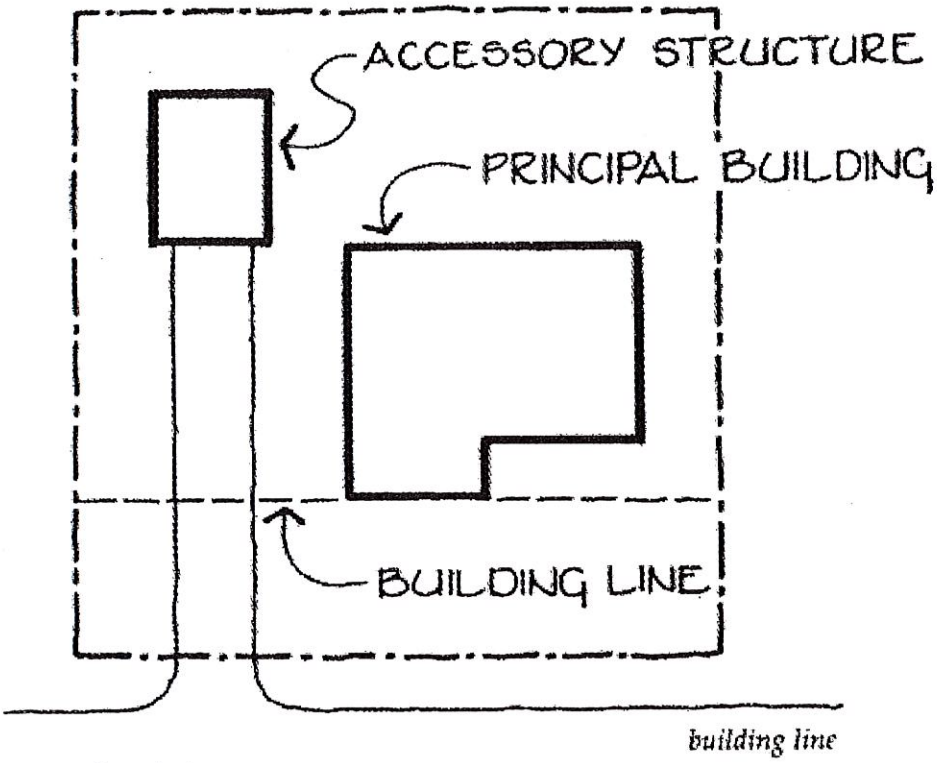
I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1'/14,062 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY DMD METHOD.

RLS S.C. 7876
WILLIAM CHARLES HENDLEY, JR.
William Charles Hendley, Jr.

Section 5.5 - Accessory building setback requirements.

1. Subject to the remaining provisions of this section, accessory buildings shall be required to comply with the setback standards set forth in section 5.4
2. Accessory buildings in residential districts shall either be located entirely behind the front of the principal building, or no closer than one hundred (100) feet from the right-of-way or easement line of the street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street. For accessory structures which are in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor area, see subsection (6).
3. Accessory buildings in residential districts, subject to subsection (2) shall not be allowed within five (5) feet of a rear or side boundary line.
4. Barns and structures housing livestock and the keeping of swine or fowl regardless of the type of enclosure shall be located a minimum of one hundred (100) feet from the nearest property line.
5. Off-street parking spaces shall be a minimum of five (5) feet from the nearest property line.
6. Accessory buildings or structures in excess of fifteen (15) feet in height or six hundred (600) square feet in gross floor areas, satellite dishes, ham radio towers and domestic kennels and pens shall observe the following minimum setback requirements.
   a. *Front:* Must be located entirely behind the front of the principal buildings, or no closer than one hundred (100) feet from the right of-way or easement line of a street. If a lot has frontage on more than one (1) street, no accessory building shall be located between a street and the wall line of the principal building that faces that street.
   b. *Side and rear yards:* The same as is required for a principal building located in that particular zoning district.
7. Uses that are accessory to the principal structure such as swimming pools (in ground and above), hot tubs, temporary or permanent, shall observe the same setback requirements as the principal use regardless of the size or type. The only exception to this requirement is that the rear setback for these types of structures shall be ten (10) feet instead of twenty-five (25) feet.

(Ord. No. 323, 2-1-99; Ord. No. 554, 7-7-03; Ord. No. 746, 5-1-06; Ord. No. 747, 5-1-06; Ord. No. 872, 12-3-07)




Acessory Building Setback

## Finding Required for Granting Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.

e. The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically nonconforming use of land, or to change the district boundaries shown on the Official Zoning Map.

# Findings Required for Granting Variances

**BZA-015-005**
**Lancaster County**
**Meeting Date: Tuesday, June 9th, 2015**

**A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes and explains in writing all of the following findings:**

a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property:** The applicant is unable to build an accessory building behind the home due to the lack of space and the location of their septic tank.

b. **These conditions do not generally apply to other property in the vicinity:** These conditions would not apply to other adjacent property because they are not located on the corner with very limited space to the rear of their home.

c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the Utilization of the property as follows:** The home is on the corner therefore the area in which a building can be built is severely diminished. The building would have to be on or near the septic tank and very close to neighboring property lines.

d. **The authorization of a variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting of the variance nor will the granting of a variance impair the purpose and intent of this Ordinance or the Comprehensive Plan.** The building will not be any closer to Shiloh Unity Road than the house currently is and the building roof design will match the home.

e. **The Board shall not grant a variance the effect of which would not be to allow the establishment of a use not otherwise permitted in a zoning district, to extend a physically non-conforming use of land, or to change the district boundaries shown on the Official Zoning Map:** This variance changes the dimensional requirements of the property but accessory buildings are allowed in the current zoning district. There will be no extension of a physically non-conforming use of land nor will any district boundaries be changed.